

U.S. Sentencing Commission Preliminary Quarterly Data Report



**4th Quarter Release
Preliminary Fiscal Year 2011 Data
Through October 31, 2011**

Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted and analyzed from sentencing documents submitted by courts to the Commission.¹ Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.² After the Supreme Court's decision in *United States v. Booker* on January 12, 2005, which rendered the sentencing guidelines advisory instead of mandatory, many people expressed an interest in knowing what changes, if any, in federal sentencing practices would result. The Commission responded by reconfiguring its data collection, analysis, and reporting efforts to provide real-time data reporting from the submitted documents.

The Commission first reported data on February 10, 2005 to Congress³ and began reporting data approximately monthly shortly thereafter. The types of data reported increased over time to accommodate various requests for the additional information. In March 2006, the Commission released a comprehensive report, *Final Report on the Impact of United States v. Booker on Federal Sentencing*,⁴ based on cases sentenced one year since the *Booker* decision. Because the report included additional analyses that had not been included in the monthly reports, not all the data presented in the report was comparable with the monthly releases, which made comparing data over time difficult.

In an effort to standardize the Commission's post-*Booker* analyses and to facilitate the identification of emerging trends going forward, the Commission began generating a new set of tables and charts on a quarterly basis for public release on the Commission's website beginning with the third quarter of fiscal year 2006. These quarterly data reports are similar in format and methodology to tables and figures produced in the *Sourcebook* or in the Commission's *Booker* report. Some of the figures include data from fiscal years before the *Booker* decision to facilitate analysis of sentencing trends over time. Other figures and all of the tables contain cumulative data (*i.e.*, data from the start of the fiscal year through the most current quarter). Appendix B cross-references the quarterly table numbers and figure letters as well as the corresponding number or letter in the *Sourcebook* (if it exists in the *Sourcebook*) so that the quarterly data can

¹ In each felony or Class A misdemeanor case sentenced in federal court, sentencing courts are required to submit the following documents to the Commission: the Judgment and Commitment Order, the Statement of Reasons, the plea agreement (if applicable), the indictment or other charging document, and the presentence report. See 28 U.S.C. § 994(w).

² Electronic copies of the 1995-2010 *Annual Report* and *Sourcebook of Federal Sentencing Statistics* are available at the Commission's website, www.ussc.gov.

³ See www.ussc.gov/bf.htm for an electronic copy of the prepared testimony of Ricardo H. Hinojosa, chair of the United States Sentencing Commission, before the Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, United States House of Representatives, February 10, 2005.

⁴ See www.ussc.gov/bf.htm for an electronic copy of the Commission's *Final Report on the Impact of United States v. Booker on Federal Sentencing*.

be compared easily with data from prior fiscal years.⁵ In Appendix A are descriptions of datafile and variable definitions.

Users of the quarterly releases are cautioned that the quarterly data are preliminary only and subject to change as the Commission collects, analyzes, and reports on additional cases throughout the fiscal year. When data for each new quarter is made available, the Commission will update the previous preliminary quarterly totals in the most recent release until the release of the final fiscal year data in the Commission's *Sourcebook*. For example, the data reported in the initial release for the second quarter of the fiscal year may change as the Commission receives and analyzes documents during the remaining quarters for additional cases sentenced during the second quarter.⁶ Any subsequent changes in the quarterly data for the second quarter would be reflected initially in the subsequent quarterly releases and finally in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*. As a result, **quarterly data should not be considered final until publication of the Commission's *Annual Report* and *Sourcebook*.**

⁵ The Commission has tried to maintain the same table numbers and figure letters over the past several years but, due to slight differences in reporting categories between pre- and post-*Booker* time periods, the numbers and letters may not correspond exactly over time. Please refer to the table of contents for each of the prior *Sourcebook* years to determine the corresponding table number or figure letter.

⁶ The reasons for data changes in previous quarters is due to one or more of the following reasons: the courts have up to 30 days to submit court documents to the Commission; the Commission both extracts information from the documents and screens cases through the quality control procedures and does not include any case in a data release unless it has been fully entered and reviewed; some documents are sent in later than other documents and the datafiles are then updated with the new information; the Commission receives amended court documents and updates the datafile based on the new information; the Commission matches its datafile to datafiles from the Administrative Office of the United States Courts and requests any case documents not received - a process that can only be completed after the documents have been received and the information entered into the Commission's database. For all of the above reasons, data may be excluded/included or reported differently from one quarter to another.

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Appendix B: List of Quarterly Report Tables and Figures and their Comparable
Sourcebook Number/Letter B-1

Table 1

1

**NATIONAL COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE¹**
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)

	N	%
TOTAL CASES	82,740	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	45,180	54.6
CASES SENTENCED ABOVE GUIDELINE RANGE	1,496	1.8
DEPARTURE ABOVE GUIDELINE RANGE	478	0.6
Upward Departure From Guideline Range ²	372	0.4
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	106	0.1
OTHERWISE ABOVE GUIDELINE RANGE	1,018	1.2
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	929	1.1
All Remaining Cases Above Guideline Range ⁵	89	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	21,843	26.4
§5K1.1 Substantial Assistance Departure	9,271	11.2
§5K3.1 Early Disposition Program Departure	8,935	10.8
Other Government Sponsored Below Range	3,637	4.4
NON-GOVERNMENT SPONSORED BELOW RANGE	14,221	17.2
DEPARTURE BELOW GUIDELINE RANGE	2,795	3.4
Downward Departure From Guideline Range ²	1,910	2.3
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	885	1.1
OTHERWISE BELOW GUIDELINE RANGE	11,426	13.8
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	10,952	13.2
All Remaining Cases Below Guideline Range ⁵	474	0.6

¹ This table reflects the 84,072 cases sentenced on or after October 1, 2010, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by November 21, 2011. Of these, 1,332 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

² All cases with departures in which the court did not indicate as a reason either *United States v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

³ All cases sentenced outside of the guideline range in which the court indicated both a departure (see footnote 2) and a reference to either *United States v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

⁴ All cases sentenced outside of the guideline range in which no departure was indicated and in which the court cited *United States v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

⁵ All cases sentenced outside of the guideline range that could not be classified into any of the three previous outside of the range categories. This category includes cases in which no reason was provided for a sentence outside of the guideline range.

⁶ Cases in which a reason for the sentence indicated that the prosecution initiated, proposed, or stipulated to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through September 30, 2011).

Table 2

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	82,740	45,180	54.6	372	0.4	106	0.1	929	1.1	89	0.1
D.C. CIRCUIT	359	138	38.4	3	0.8	1	0.3	4	1.1	0	0.0
District of Columbia	359	138	38.4	3	0.8	1	0.3	4	1.1	0	0.0
FIRST CIRCUIT	2,172	1,217	56.0	6	0.3	5	0.2	36	1.7	3	0.1
Maine	193	83	43.0	1	0.5	0	0.0	1	0.5	0	0.0
Massachusetts	558	203	36.4	3	0.5	3	0.5	12	2.2	1	0.2
New Hampshire	199	81	40.7	0	0.0	1	0.5	8	4.0	0	0.0
Puerto Rico	1,016	750	73.8	2	0.2	1	0.1	15	1.5	2	0.2
Rhode Island	206	100	48.5	0	0.0	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	3,965	1,561	39.4	12	0.3	2	0.1	20	0.5	7	0.2
Connecticut	336	141	42.0	2	0.6	0	0.0	2	0.6	0	0.0
New York											
Eastern	1,082	336	31.1	1	0.1	1	0.1	12	1.1	3	0.3
Northern	568	295	51.9	3	0.5	1	0.2	0	0.0	2	0.4
Southern	1,019	336	33.0	0	0.0	0	0.0	4	0.4	1	0.1
Western	801	403	50.3	5	0.6	0	0.0	1	0.1	1	0.1
Vermont	159	50	31.4	1	0.6	0	0.0	1	0.6	0	0.0
THIRD CIRCUIT	2,923	1,327	45.4	7	0.2	3	0.1	27	0.9	4	0.1
Delaware	121	47	38.8	0	0.0	0	0.0	1	0.8	0	0.0
New Jersey	793	376	47.4	1	0.1	1	0.1	3	0.4	0	0.0
Pennsylvania											
Eastern	961	375	39.0	3	0.3	1	0.1	18	1.9	3	0.3
Middle	499	235	47.1	2	0.4	0	0.0	2	0.4	0	0.0
Western	487	251	51.5	0	0.0	0	0.0	1	0.2	1	0.2
Virgin Islands	62	43	69.4	1	1.6	1	1.6	2	3.2	0	0.0
FOURTH CIRCUIT	6,702	4,064	60.6	43	0.6	17	0.3	80	1.2	4	0.1
Maryland	840	347	41.3	8	1.0	5	0.6	12	1.4	1	0.1
North Carolina											
Eastern	802	440	54.9	13	1.6	4	0.5	12	1.5	0	0.0
Middle	521	369	70.8	6	1.2	0	0.0	9	1.7	0	0.0
Western	547	309	56.5	1	0.2	1	0.2	6	1.1	0	0.0
South Carolina	1,028	604	58.8	6	0.6	1	0.1	6	0.6	2	0.2
Virginia											
Eastern	1,978	1,482	74.9	7	0.4	5	0.3	21	1.1	0	0.0
Western	369	179	48.5	1	0.3	1	0.3	6	1.6	0	0.0
West Virginia											
Northern	307	177	57.7	1	0.3	0	0.0	5	1.6	0	0.0
Southern	310	157	50.6	0	0.0	0	0.0	3	1.0	1	0.3

Table 2 (cont.)

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CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	9,271	11.2	8,935	10.8	3,637	4.4	1,910	2.3	885	1.1	10,952	13.2	474	0.6
D.C. CIRCUIT	84	23.4	0	0.0	57	15.9	12	3.3	20	5.6	33	9.2	7	1.9
District of Columbia	84	23.4	0	0.0	57	15.9	12	3.3	20	5.6	33	9.2	7	1.9
FIRST CIRCUIT	245	11.3	16	0.7	194	8.9	57	2.6	24	1.1	352	16.2	17	0.8
Maine	62	32.1	0	0.0	2	1.0	9	4.7	3	1.6	32	16.6	0	0.0
Massachusetts	67	12.0	2	0.4	96	17.2	16	2.9	6	1.1	144	25.8	5	0.9
New Hampshire	34	17.1	0	0.0	25	12.6	4	2.0	6	3.0	40	20.1	0	0.0
Puerto Rico	70	6.9	14	1.4	65	6.4	27	2.7	9	0.9	49	4.8	12	1.2
Rhode Island	12	5.8	0	0.0	6	2.9	1	0.5	0	0.0	87	42.2	0	0.0
SECOND CIRCUIT	773	19.5	0	0.0	109	2.7	125	3.2	133	3.4	1,192	30.1	31	0.8
Connecticut	52	15.5	0	0.0	5	1.5	20	6.0	14	4.2	99	29.5	1	0.3
New York														
Eastern	214	19.8	0	0.0	38	3.5	37	3.4	56	5.2	371	34.3	13	1.2
Northern	118	20.8	0	0.0	7	1.2	18	3.2	11	1.9	109	19.2	4	0.7
Southern	150	14.7	0	0.0	7	0.7	23	2.3	26	2.6	463	45.4	9	0.9
Western	218	27.2	0	0.0	38	4.7	3	0.4	6	0.7	122	15.2	4	0.5
Vermont	21	13.2	0	0.0	14	8.8	24	15.1	20	12.6	28	17.6	0	0.0
THIRD CIRCUIT	725	24.8	0	0.0	145	5.0	38	1.3	54	1.8	568	19.4	25	0.9
Delaware	19	15.7	0	0.0	12	9.9	0	0.0	0	0.0	40	33.1	2	1.7
New Jersey	219	27.6	0	0.0	25	3.2	10	1.3	10	1.3	145	18.3	3	0.4
Pennsylvania														
Eastern	300	31.2	0	0.0	37	3.9	9	0.9	6	0.6	193	20.1	16	1.7
Middle	92	18.4	0	0.0	58	11.6	12	2.4	11	2.2	87	17.4	0	0.0
Western	86	17.7	0	0.0	12	2.5	6	1.2	27	5.5	101	20.7	2	0.4
Virgin Islands	9	14.5	0	0.0	1	1.6	1	1.6	0	0.0	2	3.2	2	3.2
FOURTH CIRCUIT	1,054	15.7	0	0.0	235	3.5	98	1.5	63	0.9	1,011	15.1	33	0.5
Maryland	212	25.2	0	0.0	76	9.0	16	1.9	22	2.6	135	16.1	6	0.7
North Carolina														
Eastern	262	32.7	0	0.0	2	0.2	6	0.7	3	0.4	58	7.2	2	0.2
Middle	57	10.9	0	0.0	1	0.2	6	1.2	1	0.2	72	13.8	0	0.0
Western	121	22.1	0	0.0	28	5.1	6	1.1	5	0.9	69	12.6	1	0.2
South Carolina	186	18.1	0	0.0	27	2.6	12	1.2	7	0.7	169	16.4	8	0.8
Virginia														
Eastern	72	3.6	0	0.0	41	2.1	41	2.1	19	1.0	277	14.0	13	0.7
Western	81	22.0	0	0.0	23	6.2	8	2.2	3	0.8	66	17.9	1	0.3
West Virginia														
Northern	27	8.8	0	0.0	33	10.7	0	0.0	1	0.3	62	20.2	1	0.3
Southern	36	11.6	0	0.0	4	1.3	3	1.0	2	0.6	103	33.2	1	0.3

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	19,019	13,455	70.7	97	0.5	20	0.1	316	1.7	21	0.1
Louisiana											
Eastern	343	240	70.0	5	1.5	4	1.2	7	2.0	1	0.3
Middle	138	75	54.3	3	2.2	2	1.4	5	3.6	0	0.0
Western	283	204	72.1	4	1.4	1	0.4	15	5.3	2	0.7
Mississippi											
Northern	182	119	65.4	0	0.0	0	0.0	9	4.9	0	0.0
Southern	302	242	80.1	1	0.3	0	0.0	2	0.7	0	0.0
Texas											
Eastern	1,000	695	69.5	7	0.7	0	0.0	8	0.8	1	0.1
Northern	910	554	60.9	15	1.6	7	0.8	59	6.5	0	0.0
Southern	8,147	5,393	66.2	50	0.6	4	0.0	58	0.7	0	0.0
Western	7,714	5,933	76.9	12	0.2	2	0.0	153	2.0	17	0.2
SIXTH CIRCUIT	5,514	2,797	50.7	31	0.6	4	0.1	69	1.3	5	0.1
Kentucky											
Eastern	576	279	48.4	0	0.0	0	0.0	9	1.6	0	0.0
Western	428	217	50.7	3	0.7	0	0.0	1	0.2	1	0.2
Michigan											
Eastern	793	393	49.6	2	0.3	1	0.1	5	0.6	1	0.1
Western	496	323	65.1	5	1.0	1	0.2	10	2.0	2	0.4
Ohio											
Northern	623	300	48.2	1	0.2	0	0.0	8	1.3	0	0.0
Southern	728	251	34.5	3	0.4	2	0.3	8	1.1	1	0.1
Tennessee											
Eastern	910	556	61.1	6	0.7	0	0.0	8	0.9	0	0.0
Middle	333	141	42.3	3	0.9	0	0.0	6	1.8	0	0.0
Western	627	337	53.7	8	1.3	0	0.0	14	2.2	0	0.0
SEVENTH CIRCUIT	3,004	1,466	48.8	16	0.5	6	0.2	53	1.8	1	0.0
Illinois											
Central	357	196	54.9	2	0.6	0	0.0	3	0.8	0	0.0
Northern	910	414	45.5	3	0.3	0	0.0	6	0.7	0	0.0
Southern	320	244	76.3	3	0.9	2	0.6	4	1.3	0	0.0
Indiana											
Northern	450	268	59.6	2	0.4	2	0.4	7	1.6	1	0.2
Southern	287	145	50.5	2	0.7	0	0.0	25	8.7	0	0.0
Wisconsin											
Eastern	496	123	24.8	2	0.4	1	0.2	7	1.4	0	0.0
Western	184	76	41.3	2	1.1	1	0.5	1	0.5	0	0.0
EIGHTH CIRCUIT	4,728	2,594	54.9	38	0.8	16	0.3	69	1.5	5	0.1
Arkansas											
Eastern	322	201	62.4	2	0.6	1	0.3	8	2.5	0	0.0
Western	316	241	76.3	1	0.3	0	0.0	0	0.0	1	0.3
Iowa											
Northern	518	326	62.9	13	2.5	4	0.8	16	3.1	0	0.0
Southern	403	153	38.0	3	0.7	0	0.0	5	1.2	0	0.0
Minnesota	451	140	31.0	1	0.2	5	1.1	1	0.2	0	0.0
Missouri											
Eastern	812	399	49.1	3	0.4	3	0.4	11	1.4	3	0.4
Western	654	361	55.2	2	0.3	1	0.2	18	2.8	1	0.2
Nebraska	558	337	60.4	5	0.9	0	0.0	3	0.5	0	0.0
North Dakota	262	144	55.0	0	0.0	2	0.8	5	1.9	0	0.0
South Dakota	432	292	67.6	8	1.9	0	0.0	2	0.5	0	0.0

Table 2 (cont.)

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CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	1,333	7.0	828	4.4	363	1.9	716	3.8	53	0.3	1,692	8.9	125	0.7
Louisiana														
Eastern	37	10.8	0	0.0	7	2.0	4	1.2	5	1.5	30	8.7	3	0.9
Middle	30	21.7	0	0.0	2	1.4	1	0.7	1	0.7	19	13.8	0	0.0
Western	25	8.8	0	0.0	1	0.4	1	0.4	0	0.0	28	9.9	2	0.7
Mississippi														
Northern	32	17.6	0	0.0	4	2.2	0	0.0	0	0.0	18	9.9	0	0.0
Southern	26	8.6	0	0.0	0	0.0	3	1.0	0	0.0	20	6.6	8	2.6
Texas														
Eastern	92	9.2	0	0.0	103	10.3	30	3.0	10	1.0	51	5.1	3	0.3
Northern	118	13.0	0	0.0	18	2.0	4	0.4	1	0.1	133	14.6	1	0.1
Southern	411	5.0	819	10.1	123	1.5	505	6.2	17	0.2	757	9.3	10	0.1
Western	562	7.3	9	0.1	105	1.4	168	2.2	19	0.2	636	8.2	98	1.3
SIXTH CIRCUIT	1,265	22.9	1	0.0	232	4.2	124	2.2	106	1.9	840	15.2	40	0.7
Kentucky														
Eastern	215	37.3	0	0.0	11	1.9	0	0.0	3	0.5	58	10.1	1	0.2
Western	98	22.9	0	0.0	45	10.5	13	3.0	3	0.7	47	11.0	0	0.0
Michigan														
Eastern	138	17.4	1	0.1	25	3.2	16	2.0	12	1.5	195	24.6	4	0.5
Western	58	11.7	0	0.0	2	0.4	10	2.0	7	1.4	75	15.1	3	0.6
Ohio														
Northern	165	26.5	0	0.0	18	2.9	15	2.4	7	1.1	102	16.4	7	1.1
Southern	216	29.7	0	0.0	53	7.3	35	4.8	44	6.0	101	13.9	14	1.9
Tennessee														
Eastern	221	24.3	0	0.0	14	1.5	11	1.2	5	0.5	82	9.0	7	0.8
Middle	52	15.6	0	0.0	46	13.8	13	3.9	5	1.5	67	20.1	0	0.0
Western	102	16.3	0	0.0	18	2.9	11	1.8	20	3.2	113	18.0	4	0.6
SEVENTH CIRCUIT	497	16.5	1	0.0	143	4.8	70	2.3	101	3.4	618	20.6	32	1.1
Illinois														
Central	53	14.8	0	0.0	16	4.5	1	0.3	3	0.8	81	22.7	2	0.6
Northern	131	14.4	0	0.0	14	1.5	19	2.1	70	7.7	238	26.2	15	1.6
Southern	22	6.9	0	0.0	10	3.1	4	1.3	5	1.6	23	7.2	3	0.9
Indiana														
Northern	98	21.8	0	0.0	21	4.7	15	3.3	5	1.1	31	6.9	0	0.0
Southern	32	11.1	0	0.0	20	7.0	8	2.8	1	0.3	54	18.8	0	0.0
Wisconsin														
Eastern	145	29.2	0	0.0	62	12.5	2	0.4	0	0.0	142	28.6	12	2.4
Western	16	8.7	1	0.5	0	0.0	21	11.4	17	9.2	49	26.6	0	0.0
EIGHTH CIRCUIT	652	13.8	37	0.8	197	4.2	108	2.3	64	1.4	925	19.6	23	0.5
Arkansas														
Eastern	33	10.2	0	0.0	11	3.4	6	1.9	4	1.2	53	16.5	3	0.9
Western	36	11.4	0	0.0	1	0.3	1	0.3	3	0.9	31	9.8	1	0.3
Iowa														
Northern	100	19.3	0	0.0	5	1.0	3	0.6	0	0.0	51	9.8	0	0.0
Southern	83	20.6	0	0.0	42	10.4	1	0.2	5	1.2	109	27.0	2	0.5
Minnesota	94	20.8	1	0.2	7	1.6	15	3.3	10	2.2	177	39.2	0	0.0
Missouri														
Eastern	103	12.7	0	0.0	51	6.3	10	1.2	20	2.5	202	24.9	7	0.9
Western	123	18.8	0	0.0	22	3.4	12	1.8	6	0.9	106	16.2	2	0.3
Nebraska	15	2.7	36	6.5	36	6.5	10	1.8	5	0.9	105	18.8	6	1.1
North Dakota	55	21.0	0	0.0	13	5.0	13	5.0	2	0.8	27	10.3	1	0.4
South Dakota	10	2.3	0	0.0	9	2.1	37	8.6	9	2.1	64	14.8	1	0.2

Table 2 (cont.)

6

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	20,881	8,495	40.7	76	0.4	22	0.1	93	0.4	22	0.1
Alaska	136	56	41.2	2	1.5	3	2.2	0	0.0	0	0.0
Arizona	9,061	4,194	46.3	47	0.5	5	0.1	15	0.2	4	0.0
California											
Central	1,829	602	32.9	4	0.2	8	0.4	9	0.5	3	0.2
Eastern	1,009	389	38.6	5	0.5	0	0.0	7	0.7	3	0.3
Northern	792	356	44.9	0	0.0	2	0.3	8	1.0	0	0.0
Southern	4,784	1,357	28.4	6	0.1	1	0.0	6	0.1	10	0.2
Guam	40	22	55.0	0	0.0	1	2.5	0	0.0	0	0.0
Hawaii	206	82	39.8	0	0.0	1	0.5	3	1.5	0	0.0
Idaho	344	146	42.4	1	0.3	0	0.0	3	0.9	0	0.0
Montana	311	209	67.2	1	0.3	0	0.0	4	1.3	0	0.0
Nevada	636	394	61.9	1	0.2	0	0.0	9	1.4	1	0.2
Northern Mariana Islands	6	4	66.7	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	604	224	37.1	2	0.3	0	0.0	14	2.3	0	0.0
Washington											
Eastern	366	129	35.2	6	1.6	1	0.3	7	1.9	1	0.3
Western	757	331	43.7	1	0.1	0	0.0	8	1.1	0	0.0
TENTH CIRCUIT	6,678	3,772	56.5	28	0.4	3	0.0	50	0.7	6	0.1
Colorado	652	358	54.9	2	0.3	2	0.3	3	0.5	1	0.2
Kansas	683	339	49.6	9	1.3	0	0.0	27	4.0	1	0.1
New Mexico	3,118	1,955	62.7	8	0.3	1	0.0	4	0.1	2	0.1
Oklahoma											
Eastern	103	79	76.7	0	0.0	0	0.0	0	0.0	0	0.0
Northern	195	122	62.6	2	1.0	0	0.0	0	0.0	0	0.0
Western	501	340	67.9	1	0.2	0	0.0	6	1.2	0	0.0
Utah	1,077	387	35.9	4	0.4	0	0.0	6	0.6	1	0.1
Wyoming	349	192	55.0	2	0.6	0	0.0	4	1.1	1	0.3
ELEVENTH CIRCUIT	6,795	4,294	63.2	15	0.2	7	0.1	112	1.6	11	0.2
Alabama											
Middle	229	134	58.5	0	0.0	1	0.4	12	5.2	0	0.0
Northern	451	304	67.4	0	0.0	0	0.0	5	1.1	0	0.0
Southern	437	271	62.0	2	0.5	0	0.0	3	0.7	0	0.0
Florida											
Middle	1,506	784	52.1	3	0.2	0	0.0	30	2.0	2	0.1
Northern	367	239	65.1	3	0.8	2	0.5	5	1.4	0	0.0
Southern	1,999	1,290	64.5	4	0.2	3	0.2	23	1.2	8	0.4
Georgia											
Middle	394	315	79.9	0	0.0	1	0.3	3	0.8	0	0.0
Northern	666	359	53.9	1	0.2	0	0.0	11	1.7	0	0.0
Southern	746	598	80.2	2	0.3	0	0.0	20	2.7	1	0.1

Table 2 (cont.)

7

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	1,274	6.1	7,265	34.8	1,205	5.8	377	1.8	163	0.8	1,797	8.6	92	0.4
Alaska	19	14.0	0	0.0	12	8.8	6	4.4	9	6.6	28	20.6	1	0.7
Arizona	155	1.7	3,810	42.0	270	3.0	113	1.2	36	0.4	399	4.4	13	0.1
California														
Central	189	10.3	392	21.4	193	10.6	51	2.8	23	1.3	318	17.4	37	2.0
Eastern	133	13.2	327	32.4	28	2.8	11	1.1	5	0.5	98	9.7	3	0.3
Northern	78	9.8	98	12.4	122	15.4	13	1.6	27	3.4	86	10.9	2	0.3
Southern	260	5.4	2,482	51.9	147	3.1	140	2.9	30	0.6	322	6.7	23	0.5
Guam	6	15.0	0	0.0	0	0.0	0	0.0	0	0.0	10	25.0	1	2.5
Hawaii	55	26.7	0	0.0	2	1.0	3	1.5	2	1.0	58	28.2	0	0.0
Idaho	93	27.0	26	7.6	8	2.3	4	1.2	2	0.6	60	17.4	1	0.3
Montana	48	15.4	0	0.0	3	1.0	1	0.3	2	0.6	42	13.5	1	0.3
Nevada	53	8.3	0	0.0	63	9.9	15	2.4	4	0.6	91	14.3	5	0.8
Northern Mariana Islands	1	16.7	0	0.0	0	0.0	0	0.0	1	16.7	0	0.0	0	0.0
Oregon	104	17.2	41	6.8	101	16.7	8	1.3	9	1.5	99	16.4	2	0.3
Washington														
Eastern	33	9.0	48	13.1	61	16.7	8	2.2	6	1.6	66	18.0	0	0.0
Western	47	6.2	41	5.4	195	25.8	4	0.5	7	0.9	120	15.9	3	0.4
TENTH CIRCUIT	491	7.4	787	11.8	633	9.5	106	1.6	43	0.6	740	11.1	19	0.3
Colorado	139	21.3	0	0.0	31	4.8	13	2.0	8	1.2	95	14.6	0	0.0
Kansas	110	16.1	0	0.0	110	16.1	7	1.0	1	0.1	78	11.4	1	0.1
New Mexico	88	2.8	404	13.0	405	13.0	49	1.6	20	0.6	170	5.5	12	0.4
Oklahoma														
Eastern	14	13.6	0	0.0	4	3.9	0	0.0	0	0.0	6	5.8	0	0.0
Northern	34	17.4	0	0.0	0	0.0	1	0.5	1	0.5	35	17.9	0	0.0
Western	36	7.2	0	0.0	2	0.4	9	1.8	3	0.6	103	20.6	1	0.2
Utah	29	2.7	376	34.9	52	4.8	19	1.8	0	0.0	198	18.4	5	0.5
Wyoming	41	11.7	7	2.0	29	8.3	8	2.3	10	2.9	55	15.8	0	0.0
ELEVENTH CIRCUIT	878	12.9	0	0.0	124	1.8	79	1.2	61	0.9	1,184	17.4	30	0.4
Alabama														
Middle	47	20.5	0	0.0	5	2.2	3	1.3	0	0.0	27	11.8	0	0.0
Northern	80	17.7	0	0.0	7	1.6	2	0.4	1	0.2	52	11.5	0	0.0
Southern	81	18.5	0	0.0	6	1.4	4	0.9	4	0.9	66	15.1	0	0.0
Florida														
Middle	241	16.0	0	0.0	16	1.1	28	1.9	22	1.5	370	24.6	10	0.7
Northern	50	13.6	0	0.0	0	0.0	8	2.2	2	0.5	58	15.8	0	0.0
Southern	186	9.3	0	0.0	36	1.8	16	0.8	21	1.1	397	19.9	15	0.8
Georgia														
Middle	50	12.7	0	0.0	4	1.0	2	0.5	2	0.5	17	4.3	0	0.0
Northern	73	11.0	0	0.0	41	6.2	11	1.7	8	1.2	159	23.9	3	0.5
Southern	70	9.4	0	0.0	9	1.2	5	0.7	1	0.1	38	5.1	2	0.3

¹ Of the 84,072 cases, 1,332 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. The information needed to determine the relationship between the sentence imposed and the guideline range was missing in five percent or more of the cases received from: Middle Georgia (10.5%), Western Texas (7.6%), Western Louisiana (6.3%), Eastern North Carolina (5.6%), Maryland (5.1%), and Northern Georgia (5.0%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through September 30, 2011).

Table 3

SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURES		UPWARD DEPARTURES W/ <i>BOOKER</i>		ABOVE RANGE WITH W/ <i>BOOKER</i>		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	82,740	45,180	54.6	372	0.4	106	0.1	929	1.1	89	0.1
Murder	72	38	52.8	4	5.6	1	1.4	4	5.6	0	0.0
Manslaughter	65	32	49.2	7	10.8	2	3.1	3	4.6	1	1.5
Kidnapping/Hostage Taking	67	33	49.3	0	0.0	0	0.0	1	1.5	0	0.0
Sexual Abuse	380	209	55.0	8	2.1	4	1.1	21	5.5	0	0.0
Assault	643	364	56.6	13	2.0	2	0.3	19	3.0	6	0.9
Robbery	941	567	60.3	9	1.0	5	0.5	22	2.3	1	0.1
Arson	54	28	51.9	1	1.9	0	0.0	1	1.9	0	0.0
Drugs - Trafficking	23,844	11,074	46.4	61	0.3	10	0.0	127	0.5	18	0.1
Drugs - Communication Facility	460	228	49.6	0	0.0	1	0.2	8	1.7	1	0.2
Drugs - Simple Possession	718	680	94.7	5	0.7	3	0.4	6	0.8	1	0.1
Firearms	7,661	4,559	59.5	85	1.1	12	0.2	178	2.3	11	0.1
Burglary/B&E	51	35	68.6	0	0.0	1	2.0	2	3.9	0	0.0
Auto Theft	85	37	43.5	2	2.4	0	0.0	3	3.5	0	0.0
Larceny	1,438	1,064	74.0	4	0.3	4	0.3	15	1.0	2	0.1
Fraud	7,550	4,123	54.6	31	0.4	23	0.3	105	1.4	11	0.1
Embezzlement	376	241	64.1	0	0.0	0	0.0	2	0.5	1	0.3
Forgery/Counterfeiting	920	592	64.3	3	0.3	2	0.2	16	1.7	1	0.1
Bribery	215	74	34.4	0	0.0	1	0.5	1	0.5	0	0.0
Tax	648	244	37.7	2	0.3	1	0.2	8	1.2	1	0.2
Money Laundering	799	273	34.2	5	0.6	0	0.0	2	0.3	1	0.1
Racketeering/Extortion	697	319	45.8	7	1.0	1	0.1	12	1.7	0	0.0
Gambling/Lottery	75	40	53.3	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	58	32	55.2	0	0.0	0	0.0	1	1.7	0	0.0
Immigration	28,838	16,668	57.8	94	0.3	24	0.1	287	1.0	23	0.1
Child Pornography	1,824	638	35.0	9	0.5	2	0.1	23	1.3	0	0.0
Prison Offenses	402	293	72.9	4	1.0	0	0.0	11	2.7	1	0.2
Administration of Justice Offenses	1,144	662	57.9	5	0.4	1	0.1	27	2.4	6	0.5
Environmental/Wildlife	166	91	54.8	0	0.0	0	0.0	1	0.6	0	0.0
National Defense	84	42	50.0	1	1.2	0	0.0	1	1.2	0	0.0
Antitrust	10	1	10.0	0	0.0	0	0.0	1	10.0	0	0.0
Food & Drug	52	38	73.1	0	0.0	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	2,403	1,861	77.4	12	0.5	6	0.2	21	0.9	3	0.1

Table 3 (cont.)

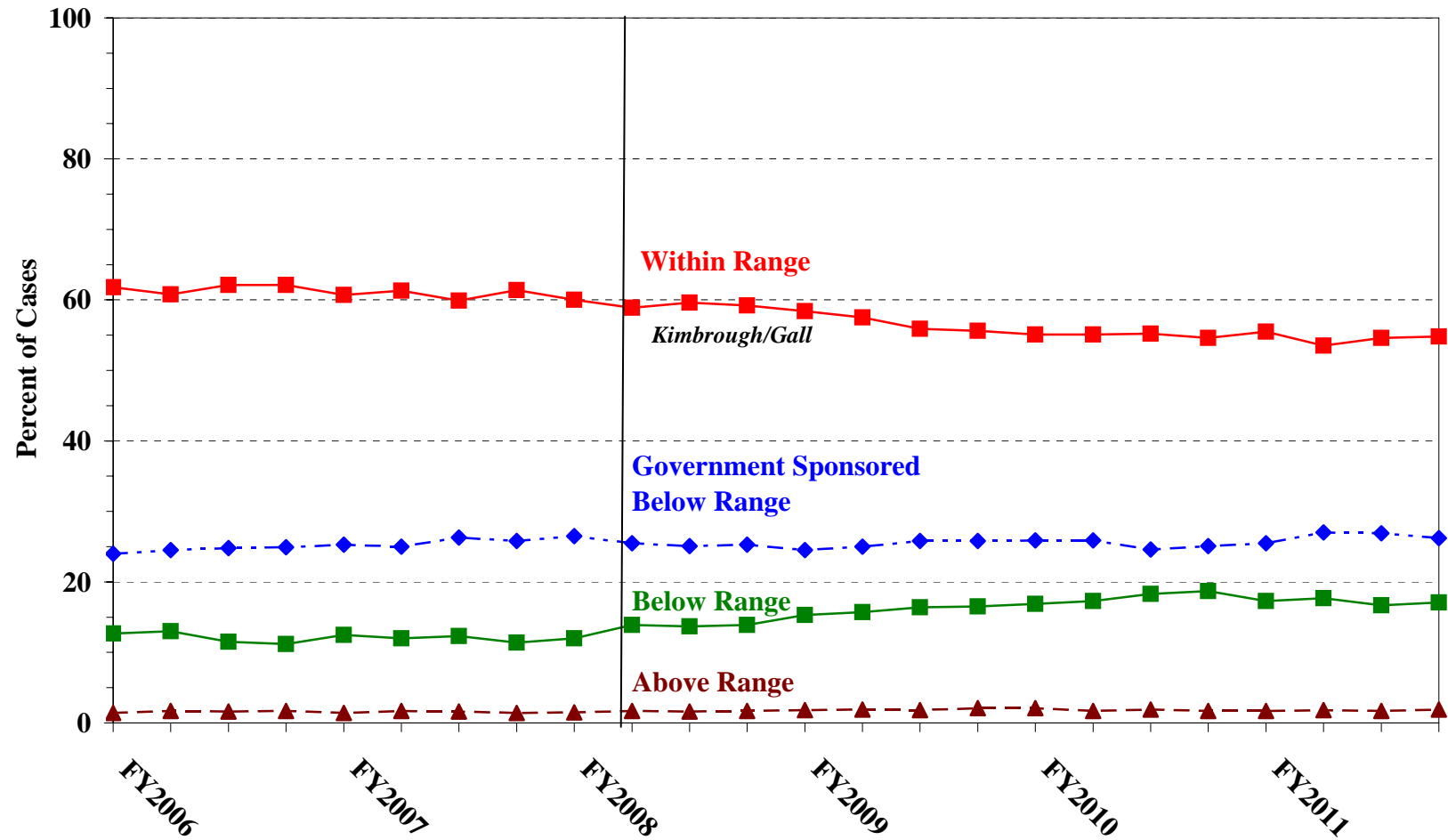
PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	9,271	11.2	8,935	10.8	3,637	4.4	1,910	2.3	885	1.1	10,952	13.2	474	0.6
Murder	11	15.3	0	0.0	5	6.9	1	1.4	0	0.0	7	9.7	1	1.4
Manslaughter	0	0.0	0	0.0	3	4.6	1	1.5	1	1.5	15	23.1	0	0.0
Kidnapping/Hostage Taking	15	22.4	0	0.0	7	10.4	3	4.5	3	4.5	5	7.5	0	0.0
Sexual Abuse	14	3.7	0	0.0	55	14.5	5	1.3	2	0.5	60	15.8	2	0.5
Assault	6	0.9	1	0.2	105	16.3	22	3.4	12	1.9	89	13.8	4	0.6
Robbery	104	11.1	3	0.3	40	4.3	23	2.4	12	1.3	152	16.2	3	0.3
Arson	12	22.2	0	0.0	3	5.6	3	5.6	1	1.9	5	9.3	0	0.0
Drugs - Trafficking	5,628	23.6	1,349	5.7	1,176	4.9	487	2.0	289	1.2	3,522	14.8	103	0.4
Drugs - Communication Facility	71	15.4	9	2.0	36	7.8	9	2.0	6	1.3	86	18.7	5	1.1
Drugs - Simple Possession	5	0.7	0	0.0	3	0.4	2	0.3	0	0.0	11	1.5	2	0.3
Firearms	872	11.4	12	0.2	404	5.3	164	2.1	100	1.3	1,225	16.0	39	0.5
Burglary/B&E	4	7.8	0	0.0	3	5.9	2	3.9	0	0.0	3	5.9	1	2.0
Auto Theft	19	22.4	0	0.0	1	1.2	3	3.5	0	0.0	20	23.5	0	0.0
Larceny	64	4.5	2	0.1	58	4.0	24	1.7	10	0.7	175	12.2	16	1.1
Fraud	1,232	16.3	10	0.1	326	4.3	131	1.7	139	1.8	1,344	17.8	75	1.0
Embezzlement	15	4.0	1	0.3	16	4.3	7	1.9	5	1.3	83	22.1	5	1.3
Forgery/Counterfeiting	109	11.8	1	0.1	27	2.9	15	1.6	8	0.9	139	15.1	7	0.8
Bribery	77	35.8	0	0.0	7	3.3	8	3.7	7	3.3	39	18.1	1	0.5
Tax	68	10.5	2	0.3	50	7.7	20	3.1	21	3.2	218	33.6	13	2.0
Money Laundering	186	23.3	12	1.5	83	10.4	25	3.1	15	1.9	186	23.3	11	1.4
Racketeering/Extortion	132	18.9	0	0.0	63	9.0	26	3.7	10	1.4	118	16.9	9	1.3
Gambling/Lottery	17	22.7	0	0.0	3	4.0	3	4.0	2	2.7	7	9.3	3	4.0
Civil Rights	7	12.1	0	0.0	4	6.9	0	0.0	2	3.4	12	20.7	0	0.0
Immigration	274	1.0	7,520	26.1	662	2.3	803	2.8	136	0.5	2,213	7.7	134	0.5
Child Pornography	68	3.7	0	0.0	269	14.7	41	2.2	56	3.1	712	39.0	6	0.3
Prison Offenses	10	2.5	4	1.0	31	7.7	7	1.7	3	0.7	36	9.0	2	0.5
Administration of Justice Offenses	95	8.3	8	0.7	91	8.0	25	2.2	13	1.1	202	17.7	9	0.8
Environmental/Wildlife	19	11.4	0	0.0	10	6.0	4	2.4	5	3.0	31	18.7	5	3.0
National Defense	16	19.0	0	0.0	5	6.0	3	3.6	1	1.2	15	17.9	0	0.0
Antitrust	7	70.0	0	0.0	0	0.0	0	0.0	0	0.0	1	10.0	0	0.0
Food & Drug	5	9.6	0	0.0	1	1.9	0	0.0	0	0.0	8	15.4	0	0.0
Other Miscellaneous Offenses	109	4.5	1	0.0	90	3.7	43	1.8	26	1.1	213	8.9	18	0.7

¹ Of the 84,072 cases, 1,332 were excluded due to information that was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through September 30, 2011).

Figure A**QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹**

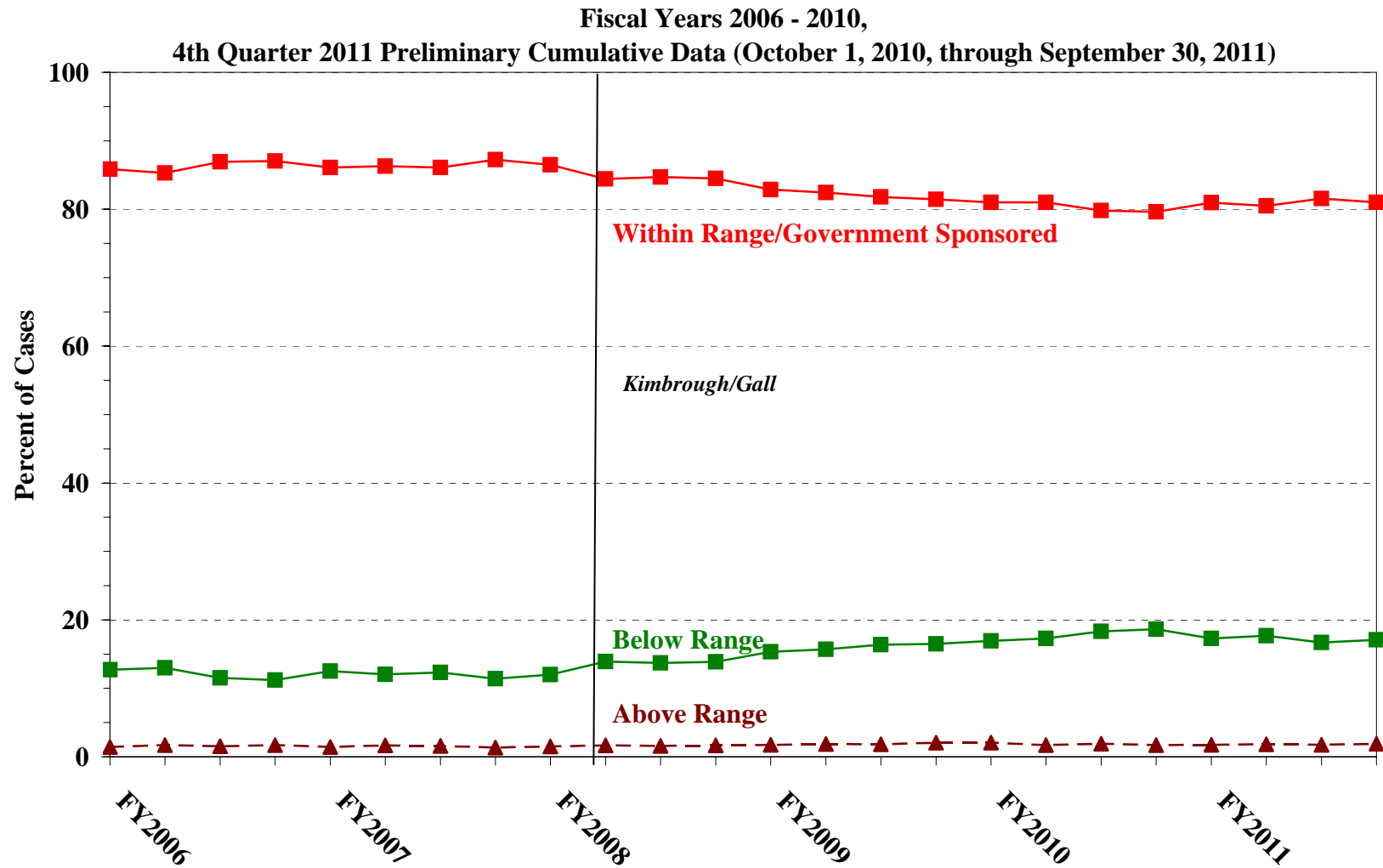
**Fiscal Years 2006 - 2010,
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)**



¹ Descriptions of variables used in this table are provided in Appendix A.

Figure B

**QUARTERLY DATA FOR WITHIN RANGE/GOVERNMENT SPONSORED
AND OTHER OUT OF RANGE SENTENCES¹**



¹ Descriptions of variables used in this table are provided in Appendix A.

Table 4

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2006 - 2010,
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
FY2006				
1st Quarter	61.8	24.0	12.7	1.4
2ndQuarter	60.8	24.5	13.0	1.7
3rd Quarter	62.1	24.8	11.5	1.6
4th Quarter	62.1	24.9	11.2	1.7
FY2007				
1st Quarter	60.7	25.3	12.5	1.4
2ndQuarter	61.3	25.0	12.0	1.7
3rd Quarter	59.9	26.3	12.3	1.6
4th Quarter	61.4	25.8	11.4	1.4
FY2008				
1st Quarter	60.0	26.5	12.0	1.5
2ndQuarter	58.9	25.5	13.9	1.7
3rd Quarter	59.6	25.1	13.7	1.6
4th Quarter	59.2	25.3	13.9	1.7
FY2009				
1st Quarter	58.4	24.5	15.3	1.8
2ndQuarter	57.5	25.0	15.7	1.9
3rd Quarter	55.9	25.8	16.4	1.8
4th Quarter	55.6	25.8	16.5	2.1
FY2010				
1st Quarter	55.1	25.9	16.9	2.1
2ndQuarter	55.1	25.9	17.3	1.7
3rd Quarter	55.2	24.6	18.3	1.9
4th Quarter	54.6	25.1	18.7	1.7
FY2011				
1st Quarter	55.5	25.5	17.3	1.7
2ndQuarter	53.5	27.0	17.7	1.8
3rd Quarter	54.6	26.9	16.7	1.7
4th Quarter	54.8	26.2	17.1	1.9

¹ Descriptions of variables used in this table are provided in Appendix A.

Table 5

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY SENTENCING GUIDELINE¹**

4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward			
			Departure		Above Range		\$5K1.1	\$5K3.1	Other Gov't	Departure		Below Range	
			Gdline Only	with Booker	with Booker	All Others				Gdline Only	with Booker	with Booker	All Others
\$2A1.1	148	86	0	0	0	0	30	0	14	3	2	12	1
\$2A1.2	42	17	6	1	5	0	1	0	6	1	0	5	0
\$2A1.3	24	13	6	0	0	0	1	0	1	1	2	0	0
\$2A1.4	49	27	0	1	3	1	0	0	2	0	1	14	0
\$2A1.5	25	13	0	0	0	0	5	0	4	0	0	3	0
\$2A2.1	75	42	2	0	1	0	12	0	8	1	0	5	4
\$2A2.2	389	206	10	4	14	0	6	0	65	14	9	60	1
\$2A2.3	21	18	0	0	0	0	0	0	1	0	0	2	0
\$2A2.4	154	96	2	0	2	1	0	3	19	5	1	22	3
\$2A3.1	127	66	1	2	5	0	3	0	30	4	0	14	2
\$2A3.2	36	21	3	0	1	0	0	0	2	1	0	8	0
\$2A3.3	8	6	0	0	0	0	0	0	2	0	0	0	0
\$2A3.4	27	20	0	1	3	0	0	0	3	0	0	0	0
\$2A3.5	359	250	1	1	13	1	4	1	18	7	4	56	3
\$2A4.1	106	46	1	0	1	0	24	0	11	4	5	13	1
\$2A4.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2A5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2A5.2	19	9	1	0	2	0	0	0	2	0	1	4	0
\$2A5.3	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2A6.1	170	94	2	1	9	5	1	0	13	11	3	29	2
\$2A6.2	23	14	0	0	3	0	0	0	1	1	0	4	0
\$2B1.1	8,220	4,511	29	26	126	13	1,195	8	377	161	139	1,546	89
\$2B1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2B1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2B1.4	22	6	0	0	0	0	6	0	0	0	2	6	2
\$2B1.5	31	10	0	0	0	0	2	0	8	1	0	10	0
\$2B1.6 ²	--	--	--	--	--	--	--	--	--	--	--	--	--
\$2B2.1	80	54	2	1	3	0	7	0	4	2	1	6	0
\$2B2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2B2.3	17	16	0	0	1	0	0	0	0	0	0	0	0
\$2B3.1	1,750	947	24	7	51	3	302	3	82	28	24	270	9
\$2B3.2	44	12	0	0	0	0	8	0	7	1	3	13	0
\$2B3.3	14	7	0	0	0	1	1	0	1	0	0	4	0
\$2B4.1	55	24	0	0	0	0	19	0	0	0	1	11	0
\$2B5.1	546	351	1	2	6	0	66	1	19	11	4	80	5
\$2B5.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2B5.3	167	37	0	0	1	0	47	0	16	5	7	51	3
\$2B5.4	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2B6.1	29	8	0	0	2	0	8	0	0	0	0	11	0
\$2C1.1	281	84	1	1	2	1	105	0	10	9	8	60	0
\$2C1.2	28	9	0	0	0	0	15	0	1	2	0	1	0
\$2C1.3	10	10	0	0	0	0	0	0	0	0	0	0	0
\$2C1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2C1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2C1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2C1.7	6	1	0	0	0	0	3	0	0	0	1	1	0
\$2C1.8	5	0	0	0	0	0	3	0	0	0	0	2	0
\$2D1.1	23,679	11,032	67	10	141	17	5,598	1,316	1,135	484	279	3,495	105
\$2D1.2	706	500	2	1	5	3	51	1	47	22	7	60	7
\$2D1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2D1.4	0	0	0	0	0	0	0	0	0	0	0	0	0

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Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward			
			Departure		Above Range		\$5K1.1	\$5K3.1	Other Gov't	Departure		Below Range	
			Gdline Only	with Booker	with Booker	All Others				Gdline Only	with Booker	with Booker	All Others
\$2D1.5	7	1	0	0	0	0	4	0	1	0	0	0	1
\$2D1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2D1.7	1	1	0	0	0	0	0	0	0	0	0	0	0
\$2D1.8	35	15	0	0	0	0	7	0	3	1	0	9	0
\$2D1.9	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2D1.10	5	3	0	0	0	0	0	0	1	0	0	1	0
\$2D1.11	297	61	0	0	0	0	99	0	21	7	12	95	2
\$2D1.12	11	6	0	0	0	0	5	0	0	0	0	0	0
\$2D1.13	1	1	0	0	0	0	0	0	0	0	0	0	0
\$2D1.14	2	0	0	0	0	0	0	0	2	0	0	0	0
\$2D2.1	231	205	4	2	6	1	2	0	3	0	0	8	0
\$2D2.2	57	50	0	0	1	0	1	0	0	0	0	3	2
\$2D2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2D3.1	1	1	0	0	0	0	0	0	0	0	0	0	0
\$2D3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2D3.3	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2D3.4	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2D3.5	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2E1.1	36	15	0	1	0	0	2	0	5	2	1	10	0
\$2E1.2	2	1	0	0	0	0	1	0	0	0	0	0	0
\$2E1.3	7	2	0	0	0	0	3	0	0	0	0	2	0
\$2E1.4	10	6	0	0	0	0	2	0	1	0	0	1	0
\$2E1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2E2.1	23	7	0	0	0	0	6	0	6	0	0	4	0
\$2E3.1	77	42	1	1	1	0	17	0	1	3	2	5	4
\$2E3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2E3.3	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2E4.1	30	10	0	0	1	0	7	0	0	1	2	9	0
\$2E5.1	9	2	0	0	0	0	5	0	1	0	0	1	0
\$2E5.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2E5.3	8	7	0	0	0	0	0	0	0	0	1	0	0
\$2E5.4	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2E5.5	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2E5.6	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2F1.1	57	11	0	0	2	0	30	0	3	2	0	9	0
\$2F1.2	1	0	0	0	0	0	0	0	1	0	0	0	0
\$2G1.1	35	20	1	0	0	0	7	0	0	0	0	7	0
\$2G1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2G1.3	213	112	5	1	10	0	22	0	23	1	2	36	1
\$2G2.1	228	115	2	2	9	0	13	0	33	5	2	44	3
\$2G2.2	1,620	534	8	1	15	0	49	0	237	37	54	681	4
\$2G2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2G2.4	4	0	0	0	0	0	0	0	0	1	1	2	0
\$2G2.5	1	1	0	0	0	0	0	0	0	0	0	0	0
\$2G2.6	12	6	0	0	0	0	6	0	0	0	0	0	0
\$2G3.1	24	13	0	0	0	0	0	0	2	0	2	6	1
\$2G3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2H1.1	48	24	0	0	0	0	3	0	7	0	0	14	0
\$2H1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2H1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2H1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2H1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2H2.1	7	4	0	0	0	0	1	0	0	1	0	1	0
\$2H3.1	10	7	0	0	0	0	3	0	0	0	0	0	0
\$2H3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2H3.3	7	7	0	0	0	0	0	0	0	0	0	0	0

Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward		Above Range		Government Sponsored			Downward		Below Range	
			Departure		with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Departure		with Booker	All Others
			Gdline Only	Booker						Gdline Only	Booker		
§2N1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2N2.1	31	30	0	0	0	0	1	0	0	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	232	172	4	0	4	1	5	1	9	5	2	27	2
§2P1.2	123	92	0	0	4	0	3	1	13	2	1	7	0
§2P1.3	10	10	0	0	0	0	0	0	0	0	0	0	0
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.2	37	9	1	0	1	0	6	0	3	1	4	10	2
§2Q1.3	43	17	0	0	0	0	5	0	2	6	2	10	1
§2Q1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q2.1	97	50	0	0	0	0	15	0	7	3	1	19	2
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	6	1	0	0	1	0	3	0	0	0	0	1	0
§2S1.1	938	282	5	0	8	1	316	1	72	20	13	213	7
§2S1.2	1	1	0	0	0	0	0	0	0	0	0	0	0
§2S1.3	311	137	0	0	1	0	21	12	47	16	8	64	5
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	553	212	3	1	8	1	63	0	34	17	21	181	12
§2T1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.4	137	51	0	0	1	1	18	1	11	3	2	46	3
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	40	14	0	0	0	0	4	0	4	2	1	15	0
§2T1.7	1	1	0	0	0	0	0	0	0	0	0	0	0
§2T1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.9	9	2	0	0	0	0	1	0	2	1	2	1	0
§2T2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T3.1	27	10	0	0	0	0	6	0	3	1	1	4	2
§2T3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X1.1	32	14	2	0	0	0	5	0	1	2	1	7	0
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	105	47	1	0	6	1	20	0	10	2	0	18	0
§2X4.1	360	192	3	0	4	3	42	4	26	5	5	73	3
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	232	225	1	0	2	0	0	0	0	1	0	3	0
§2X6.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X7.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X7.2	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	75,734	39,486	365	102	899	83	9,204	8,209	3,485	1,870	872	10,721	438

¹ Of the 84,072 cases, 8,338 were excluded due to one or both of the following reasons: information that was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (1,332) or missing guideline applied (8,258). Descriptions of variables used in this table are provided in Appendix A.

² In 794 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 1028A. By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 794 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

³ In 2,277 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 924(c). By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 2,277 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

Table 6

ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)

	TOTAL CASES	Pursuant to a Plea Agreement									
		§5K1.1		§5K3.1		Binding Plea		Plea w/ Departure Court		Plea Agreement States Gov't	
		Plea Agreement		Plea Agreement		Accepted by Court		Finds Reasonable		Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	37,560	5,808	15.5	8,473	22.6	3,571	9.5	2,135	5.7	204	0.5
Above Range	1,496	4	0.3	14	0.9	287	19.2	90	6.0	1	0.1
Upward Departure From Guideline Range	372	2	0.5	4	1.1	125	33.6	31	8.3	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	106	0	0.0	0	0.0	15	14.2	8	7.5	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	929	0	0.0	0	0.0	144	15.5	49	5.3	1	0.1
All Remaining Cases Above Guideline Range	89	2	2.2	10	11.2	3	3.4	2	2.2	0	0.0
Government Sponsored Below Range	21,843	5,804	26.6	8,459	38.7	3,284	15.0	2,045	9.4	203	0.9
§5K1.1 Substantial Assistance Departure	9,271	5,804	62.6	136	1.5	181	2.0	174	1.9	19	0.2
§5K3.1 Early Disposition Program Departure	8,935	0	0.0	8,323	93.2	1,472	16.5	855	9.6	16	0.2
Other Government Sponsored Below Range	3,637	0	0.0	0	0.0	1,631	44.8	1,016	27.9	168	4.6
Below Range	14,221	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	1,910	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	885	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	10,952	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	474	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 6 (cont.)

	Pursuant to a Motion Not in a Plea Agreement													
	§5K1.1		§5K3.1		Other		Defense Motion/		Defense Motion/		Other than a Plea/Motion by Parties		No Information Available	
	Government		Government		Government		Government							
	Motion		Motion		Motion		Did Not Object		Did Object					
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	3,167	8.4	263	0.7	1,153	3.1	4,291	11.4	4,792	12.8	5,951	15.8	3,888	10.4
Above Range	0	0.0	0	0.0	184	12.3	10	0.7	6	0.4	690	46.1	263	17.6
Upward Departure From Guideline Range	0	0.0	0	0.0	62	16.7	1	0.3	0	0.0	132	35.5	36	9.7
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	27	25.5	1	0.9	1	0.9	50	47.2	15	14.2
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	95	10.2	8	0.9	5	0.5	504	54.3	143	15.4
All Remaining Cases Above Guideline Range	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	4	4.5	69	77.5
Government Sponsored Below Range	3,167	14.5	263	1.2	969	4.4	1,054	4.8	777	3.6	739	3.4	758	3.5
§5K1.1 Substantial Assistance Departure	3,167	34.2	6	0.1	219	2.4	467	5.0	301	3.2	449	4.8	207	2.2
§5K3.1 Early Disposition Program Departure	0	0.0	257	2.9	54	0.6	314	3.5	389	4.4	132	1.5	328	3.7
Other Government Sponsored Below Range	0	0.0	0	0.0	696	19.1	273	7.5	87	2.4	158	4.3	223	6.1
Below Range	0	0.0	0	0.0	0	0.0	3,227	22.7	4,009	28.2	4,522	31.8	2,867	20.2
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	701	36.7	372	19.5	573	30.0	311	16.3
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	185	20.9	304	34.4	343	38.8	147	16.6
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	2,340	21.4	3,331	30.4	3,595	32.8	1,949	17.8
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	1	0.2	2	0.4	11	2.3	460	97.0

¹ Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 5,234 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through September 30, 2011).

Table 7

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	8,928	35.0	30.0	49.9
Murder	10	87.0	43.5	30.7
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	12	114.0	113.5	48.8
Sexual Abuse	14	34.5	22.0	49.7
Assault	5	36.0	30.0	50.0
Robbery	102	46.0	26.0	34.3
Arson	12	43.5	21.0	35.0
Drugs - Trafficking	5,415	48.0	41.0	46.4
Drugs - Communication Facility	67	6.0	12.0	74.9
Drugs - Simple Possession	5	30.0	9.0	57.1
Firearms	825	60.0	35.0	44.4
Burglary/B&E	4	6.2	13.4	74.4
Auto Theft	19	11.7	17.0	56.5
Larceny	60	8.5	12.0	60.3
Fraud	1,202	7.0	18.0	71.4
Embezzlement	15	6.0	17.0	75.0
Forgery/Counterfeiting	107	9.0	9.0	50.0
Bribery	75	0.0	12.0	100.0
Tax	68	0.0	12.0	100.0
Money Laundering	183	13.0	24.0	70.6
Racketeering/Extortion	127	27.0	29.0	51.2
Gambling/Lottery	17	0.0	6.0	100.0
Civil Rights	7	0.0	10.0	100.0
Immigration	260	12.9	11.9	46.8
Child Pornography	64	84.0	60.5	46.7
Prison Offenses	10	8.0	9.3	58.3
Administration of Justice Offenses	93	0.0	12.0	100.0
Environmental/Wildlife	17	0.0	13.0	100.0
National Defense	16	11.5	36.5	71.1
Antitrust	5	1.5	18.0	85.1
Food & Drug	5	0.0	10.0	100.0
Other Miscellaneous Offenses	107	5.0	24.0	80.9

¹ Of the 84,072 cases, 9,271 received a §5K1.1 substantial assistance departure. Of these, 9,028 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 96 cases were also excluded from this table. Of the remaining 8,932 cases, four were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through September 30, 2011).

Table 8

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	8,106	18.0	7.0	30.0
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	1	--	--	--
Robbery	3	70.0	22.0	23.9
Arson	0	--	--	--
Drugs - Trafficking	1,276	24.0	10.0	33.3
Drugs - Communication Facility	7	30.0	16.1	34.8
Drugs - Simple Possession	0	--	--	--
Firearms	12	24.5	8.0	24.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	9	12.0	8.0	42.7
Embezzlement	1	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	2	--	--	--
Money Laundering	8	4.5	6.0	55.0
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	6,774	18.0	6.5	28.6
Child Pornography	0	--	--	--
Prison Offenses	2	--	--	--
Administration of Justice Offenses	7	1.1	11.0	86.3
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 84,072 cases, 8,935 received a §5K3.1 early disposition program departure. Of these, 8,107 cases had complete guideline application information. One additional case was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through September 30, 2011).

Table 9

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	3,412	30.0	15.0	36.2
Murder	5	144.0	15.0	14.3
Manslaughter	3	24.0	9.0	27.3
Kidnapping/Hostage Taking	6	108.0	102.0	48.8
Sexual Abuse	52	75.0	57.5	47.0
Assault	91	21.0	17.0	50.0
Robbery	38	38.5	15.5	26.5
Arson	3	60.0	10.0	19.5
Drugs - Trafficking	1,127	60.0	24.0	31.3
Drugs - Communication Facility	33	24.0	22.0	50.0
Drugs - Simple Possession	2	--	--	--
Firearms	381	46.0	18.0	28.6
Burglary/B&E	3	8.0	3.0	19.7
Auto Theft	1	--	--	--
Larceny	49	0.0	10.0	100.0
Fraud	309	12.0	12.0	56.8
Embezzlement	16	3.5	11.0	93.4
Forgery/Counterfeiting	27	9.0	12.0	51.4
Bribery	5	6.0	24.0	80.0
Tax	49	1.0	12.0	95.8
Money Laundering	81	12.0	12.0	59.9
Racketeering/Extortion	59	36.0	24.0	35.8
Gambling/Lottery	3	0.0	15.0	99.8
Civil Rights	4	4.5	9.7	62.6
Immigration	613	10.0	5.0	33.3
Child Pornography	264	60.0	38.0	38.1
Prison Offenses	23	12.0	9.0	40.0
Administration of Justice Offenses	84	5.5	10.0	67.5
Environmental/Wildlife	8	2.0	15.0	80.8
National Defense	3	15.0	31.0	67.4
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	69	0.0	10.0	100.0

¹ Of the 84,072 cases, 3,637 received an other government sponsored downward departure. Of these, 3,432 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 16 cases were also excluded from this table. Of the remaining 3,416 cases, four were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through September 30, 2011).

Table 10

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,841	24.0	11.0	33.3
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	3	132.0	115.0	63.3
Sexual Abuse	5	60.0	6.0	13.9
Assault	21	21.0	11.0	33.3
Robbery	22	39.0	13.0	23.2
Arson	3	36.0	10.0	21.7
Drugs - Trafficking	476	36.0	13.0	27.8
Drugs - Communication Facility	8	20.8	10.0	54.0
Drugs - Simple Possession	2	--	--	--
Firearms	161	35.0	10.0	27.6
Burglary/B&E	2	--	--	--
Auto Theft	3	18.0	9.0	25.0
Larceny	24	0.0	10.0	100.0
Fraud	126	5.5	10.5	65.3
Embezzlement	7	0.0	6.0	99.9
Forgery/Counterfeiting	15	0.0	12.0	99.8
Bribery	8	0.0	19.5	100.0
Tax	20	4.0	12.0	81.5
Money Laundering	25	5.2	9.6	40.0
Racketeering/Extortion	23	80.0	15.0	13.2
Gambling/Lottery	3	0.0	6.0	100.0
Civil Rights	0	--	--	--
Immigration	772	21.0	9.0	29.2
Child Pornography	40	60.0	31.0	33.1
Prison Offenses	6	12.0	7.0	50.0
Administration of Justice Offenses	23	3.0	10.0	86.7
Environmental/Wildlife	4	0.0	10.5	100.0
National Defense	3	12.0	30.0	67.5
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	34	0.0	10.0	100.0

¹ Of the 84,072 cases, 1,910 received a downward departure from the guideline range. Of these, 1,845 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional four cases were also excluded from this table. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through September 30, 2011).

Table 11

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	849	24.0	18.0	47.4
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	3	180.0	144.0	44.4
Sexual Abuse	2	--	--	--
Assault	11	18.0	12.0	47.8
Robbery	12	30.0	27.0	35.8
Arson	1	--	--	--
Drugs - Trafficking	280	46.0	26.9	36.2
Drugs - Communication Facility	6	16.0	38.0	74.8
Drugs - Simple Possession	0	--	--	--
Firearms	95	24.0	21.0	36.8
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	10	0.1	12.5	98.9
Fraud	136	4.8	12.0	72.0
Embezzlement	4	18.5	12.0	59.7
Forgery/Counterfeiting	8	3.0	10.5	85.3
Bribery	7	0.0	12.0	99.7
Tax	19	1.0	18.0	90.0
Money Laundering	15	6.0	22.0	66.7
Racketeering/Extortion	9	18.0	15.0	42.9
Gambling/Lottery	1	--	--	--
Civil Rights	2	--	--	--
Immigration	124	19.0	14.0	43.1
Child Pornography	56	42.0	40.5	46.0
Prison Offenses	3	15.0	6.0	37.5
Administration of Justice Offenses	13	12.0	9.6	60.0
Environmental/Wildlife	5	0.0	18.0	100.0
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	25	0.0	10.0	100.0

¹ Of the 84,072 cases, 885 received a downward departure from the guideline range with *Booker*/ 18 U.S.C. § 3553. Of these, 852 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional two cases were also excluded from this table. Of the remaining 850 cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through September 30, 2011).

Table 12

**BELOW GUIDELINE RANGE WITH *BOOKER*/18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	10,476	24.0	13.0	35.1
Murder	6	192.0	66.0	25.0
Manslaughter	14	12.5	12.5	47.5
Kidnapping/Hostage Taking	2	--	--	--
Sexual Abuse	57	68.0	24.0	27.3
Assault	83	12.0	12.0	45.5
Robbery	150	48.0	13.0	20.5
Arson	5	30.0	13.0	20.5
Drugs - Trafficking	3,424	48.0	19.0	28.6
Drugs - Communication Facility	83	18.0	12.0	49.9
Drugs - Simple Possession	10	0.0	2.0	100.0
Firearms	1,189	36.0	12.0	27.0
Burglary/B&E	3	3.0	9.0	75.0
Auto Theft	18	0.0	13.5	100.0
Larceny	171	0.0	8.0	100.0
Fraud	1,303	12.0	11.0	49.9
Embezzlement	82	0.0	8.0	99.8
Forgery/Counterfeiting	131	6.0	10.0	75.0
Bribery	37	12.0	14.0	50.0
Tax	215	0.0	12.0	99.9
Money Laundering	179	18.0	12.0	47.8
Racketeering/Extortion	110	33.5	15.0	33.3
Gambling/Lottery	7	0.0	10.0	100.0
Civil Rights	12	6.0	10.5	46.4
Immigration	2,002	18.0	10.0	33.3
Child Pornography	704	60.0	37.0	38.1
Prison Offenses	34	10.0	6.0	36.4
Administration of Justice Offenses	197	6.0	10.0	62.9
Environmental/Wildlife	27	0.0	6.0	100.0
National Defense	11	33.0	18.0	34.8
Antitrust	1	--	--	--
Food & Drug	8	19.5	19.5	48.5
Other Miscellaneous Offenses	201	0.0	10.0	100.0

¹ Of the 84,072 cases, 10,952 were sentenced below the guideline range with *Booker*/18 U.S.C § 3553. Of these, 10,520 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 35 cases were also excluded from this table. Furthermore, one case was excluded due to several logical criteria. Of the remaining 10,484 cases, eight were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 13

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	422	5.3	6.0	58.4
Murder	1	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	4	5.2	6.0	50.6
Robbery	3	96.0	36.0	54.3
Arson	0	--	--	--
Drugs - Trafficking	94	54.5	10.0	29.4
Drugs - Communication Facility	5	36.0	32.0	62.5
Drugs - Simple Possession	1	--	--	--
Firearms	37	72.0	10.0	18.9
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	12	0.0	6.0	100.0
Fraud	71	2.0	8.0	75.0
Embezzlement	5	0.0	9.0	100.0
Forgery/Counterfeiting	7	0.0	10.0	100.0
Bribery	1	--	--	--
Tax	12	0.2	9.0	96.2
Money Laundering	10	7.0	8.0	83.3
Racketeering/Extortion	9	50.0	19.0	48.9
Gambling/Lottery	3	0.0	6.0	100.0
Civil Rights	0	--	--	--
Immigration	112	0.0	2.0	100.0
Child Pornography	6	300.0	195.0	25.6
Prison Offenses	2	--	--	--
Administration of Justice Offenses	9	0.0	3.0	100.0
Environmental/Wildlife	5	0.0	6.0	100.0
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	11	0.0	6.0	100.0

¹ Of the 84,072 cases, 474 were otherwise sentenced below the guideline range. Of these, 425 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional two cases were also excluded from this table. Of the remaining 423 cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 14

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	348	60.0	13.0	33.3
Murder	4	240.0	34.0	14.4
Manslaughter	7	120.0	42.0	27.7
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	8	162.0	18.5	22.6
Assault	12	78.0	36.0	62.3
Robbery	9	121.0	24.0	28.6
Arson	1	--	--	--
Drugs - Trafficking	57	72.0	15.0	36.7
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	5	36.0	29.0	350.0
Firearms	76	94.0	20.0	33.3
Burglary/B&E	0	--	--	--
Auto Theft	2	--	--	--
Larceny	3	48.0	30.0	37.9
Fraud	28	60.0	12.0	24.3
Embezzlement	0	--	--	--
Forgery/Counterfeiting	3	36.0	9.0	26.8
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	3	72.0	19.0	46.3
Racketeering/Extortion	6	105.0	25.0	25.5
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	93	24.0	6.0	33.3
Child Pornography	9	216.0	38.0	20.0
Prison Offenses	3	40.0	7.0	25.0
Administration of Justice Offenses	5	33.0	9.0	37.5
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	12	47.0	11.5	85.7

¹ Of the 84,072 cases, 372 received an upward departure from the guideline range. Of these, 356 cases had complete guideline application information. Furthermore, eight cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through September 30, 2011).

Table 15

**UPWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	95	71.0	20.0	42.9
Murder	1	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	3	120.0	30.0	14.3
Assault	2	--	--	--
Robbery	5	102.0	31.0	37.9
Arson	0	--	--	--
Drugs - Trafficking	7	48.0	14.0	33.3
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	11	120.0	43.0	90.5
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	4	84.0	31.0	50.1
Fraud	23	60.0	14.0	33.3
Embezzlement	0	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	1	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	23	36.0	20.0	77.8
Child Pornography	2	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	3	240.0	30.0	14.3

¹ Of the 84,072 cases, 106 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 98 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through September 30, 2011).

Table 16

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	862	48.0	12.0	40.5
Murder	3	240.0	30.0	14.3
Manslaughter	3	48.0	22.0	91.7
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	21	144.0	27.0	47.4
Assault	19	72.0	14.0	36.4
Robbery	22	127.5	45.5	50.1
Arson	1	--	--	--
Drugs - Trafficking	120	88.5	18.0	25.5
Drugs - Communication Facility	6	69.0	24.5	126.2
Drugs - Simple Possession	5	36.0	18.0	300.0
Firearms	151	100.0	21.0	29.7
Burglary/B&E	2	--	--	--
Auto Theft	1	--	--	--
Larceny	14	54.0	14.0	56.1
Fraud	98	48.0	12.0	45.5
Embezzlement	2	--	--	--
Forgery/Counterfeiting	16	57.5	20.5	61.1
Bribery	1	--	--	--
Tax	5	42.0	6.0	33.3
Money Laundering	2	--	--	--
Racketeering/Extortion	12	72.0	22.0	33.2
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	281	21.0	6.0	50.0
Child Pornography	23	240.0	50.0	26.3
Prison Offenses	7	36.0	12.0	50.0
Administration of Justice Offenses	27	46.0	12.0	60.0
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	1	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	16	36.0	7.5	43.6

¹ Of the 84,072 cases, 929 were sentenced above the guideline range with *Booker*/ 18 U.S.C § 3553. Of these, 891 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional three cases were also excluded from this table. Furthermore, 26 cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 17

**ALL REMAINING ABOVE GUIDELINE RANGE CASES: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	34	47.0	11.5	35.8
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	2	--	--	--
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	8	60.0	11.1	27.1
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	3	177.0	12.0	38.2
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	4	68.0	30.5	77.0
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	14	36.0	4.0	29.2
Child Pornography	0	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	0	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹ Of the 84,072 cases, 89 were otherwise sentenced above the guideline range. Of these, 77 cases had complete guideline application information. Furthermore, 43 cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through September 30, 2011).

Table 18

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence ²		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	83,359	75,059	90.0	72,632	87.1	2,427	2.9	8,300	10.0	2,536	3.0	5,764	6.9
Murder	72	71	98.6	68	94.4	3	4.2	1	1.4	1	1.4	0	0.0
Manslaughter	65	62	95.4	56	86.2	6	9.2	3	4.6	2	3.1	1	1.5
Kidnapping/Hostage Taking	67	67	100.0	67	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	382	377	98.7	355	92.9	22	5.8	5	1.3	1	0.3	4	1.0
Assault	665	563	84.7	514	77.3	49	7.4	102	15.3	29	4.4	73	11.0
Robbery	941	918	97.6	884	93.9	34	3.6	23	2.4	8	0.9	15	1.6
Arson	54	53	98.1	51	94.4	2	3.7	1	1.9	1	1.9	0	0.0
Drugs - Trafficking	23,873	22,980	96.3	22,285	93.3	695	2.9	893	3.7	387	1.6	506	2.1
Drugs - Communication Facility	460	364	79.1	347	75.4	17	3.7	96	20.9	43	9.3	53	11.5
Drugs - Simple Possession	808	511	63.2	506	62.6	5	0.6	297	36.8	14	1.7	283	35.0
Firearms	7,665	7,264	94.8	7,055	92.0	209	2.7	401	5.2	175	2.3	226	2.9
Burglary/B&E	52	47	90.4	41	78.8	6	11.5	5	9.6	5	9.6	0	0.0
Auto Theft	85	62	72.9	55	64.7	7	8.2	23	27.1	12	14.1	11	12.9
Larceny	1,397	573	41.0	516	36.9	57	4.1	824	59.0	214	15.3	610	43.7
Fraud	7,918	6,243	78.8	5,695	71.9	548	6.9	1,675	21.2	644	8.1	1,031	13.0
Embezzlement	374	186	49.7	143	38.2	43	11.5	188	50.3	54	14.4	134	35.8
Forgery/Counterfeiting	923	689	74.6	620	67.2	69	7.5	234	25.4	116	12.6	118	12.8
Bribery	213	150	70.4	131	61.5	19	8.9	63	29.6	33	15.5	30	14.1
Tax	648	401	61.9	332	51.2	69	10.6	247	38.1	115	17.7	132	20.4
Money Laundering	801	639	79.8	596	74.4	43	5.4	162	20.2	61	7.6	101	12.6
Racketeering/Extortion	699	657	94.0	631	90.3	26	3.7	42	6.0	22	3.1	20	2.9
Gambling/Lottery	75	25	33.3	20	26.7	5	6.7	50	66.7	32	42.7	18	24.0
Civil Rights	59	40	67.8	32	54.2	8	13.6	19	32.2	6	10.2	13	22.0
Immigration	29,217	28,032	95.9	27,753	95.0	279	1.0	1,185	4.1	190	0.7	995	3.4
Child Pornography	1,823	1,799	98.7	1,757	96.4	42	2.3	24	1.3	12	0.7	12	0.7
Prison Offenses	404	384	95.0	366	90.6	18	4.5	20	5.0	6	1.5	14	3.5
Administration of Justice Offenses	1,147	845	73.7	783	68.3	62	5.4	302	26.3	81	7.1	221	19.3
Environmental/Wildlife	173	53	30.6	45	26.0	8	4.6	120	69.4	21	12.1	99	57.2
National Defense	84	75	89.3	71	84.5	4	4.8	9	10.7	4	4.8	5	6.0
Antitrust	10	8	80.0	7	70.0	1	10.0	2	20.0	1	10.0	1	10.0
Food & Drug	51	18	35.3	16	31.4	2	3.9	33	64.7	2	3.9	31	60.8
Other Miscellaneous Offenses	2,154	903	41.9	834	38.7	69	3.2	1,251	58.1	244	11.3	1,007	46.8

¹ Of the 84,072 cases, 713 were excluded due to the offender receiving neither imprisonment nor probation. Descriptions of variables used in this table are provided in Appendix A.

² Prison/Community Split Sentence includes all cases in which offenders received prison and conditions of confinement as described in USSG §5C1.1.

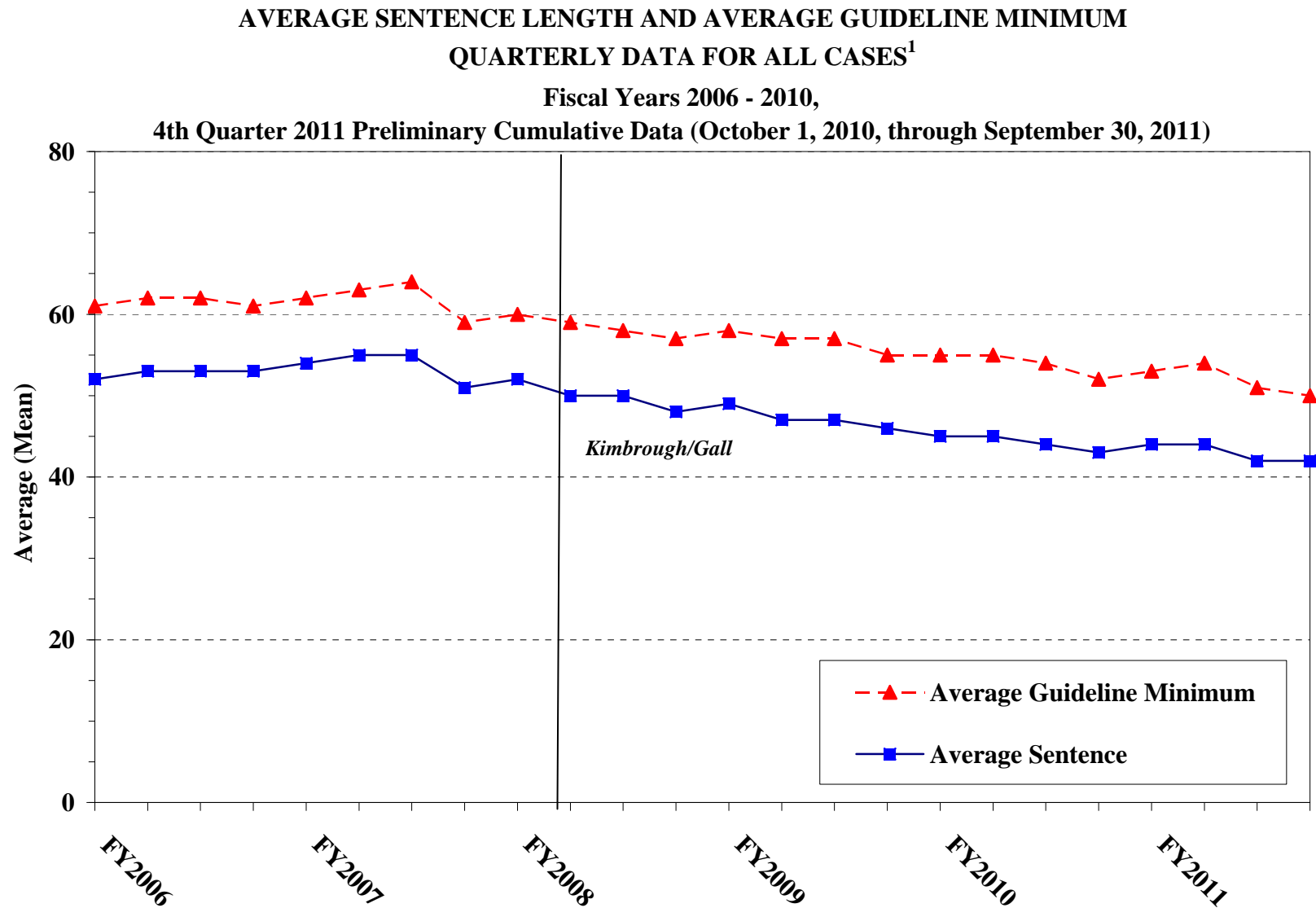
Table 19

SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)

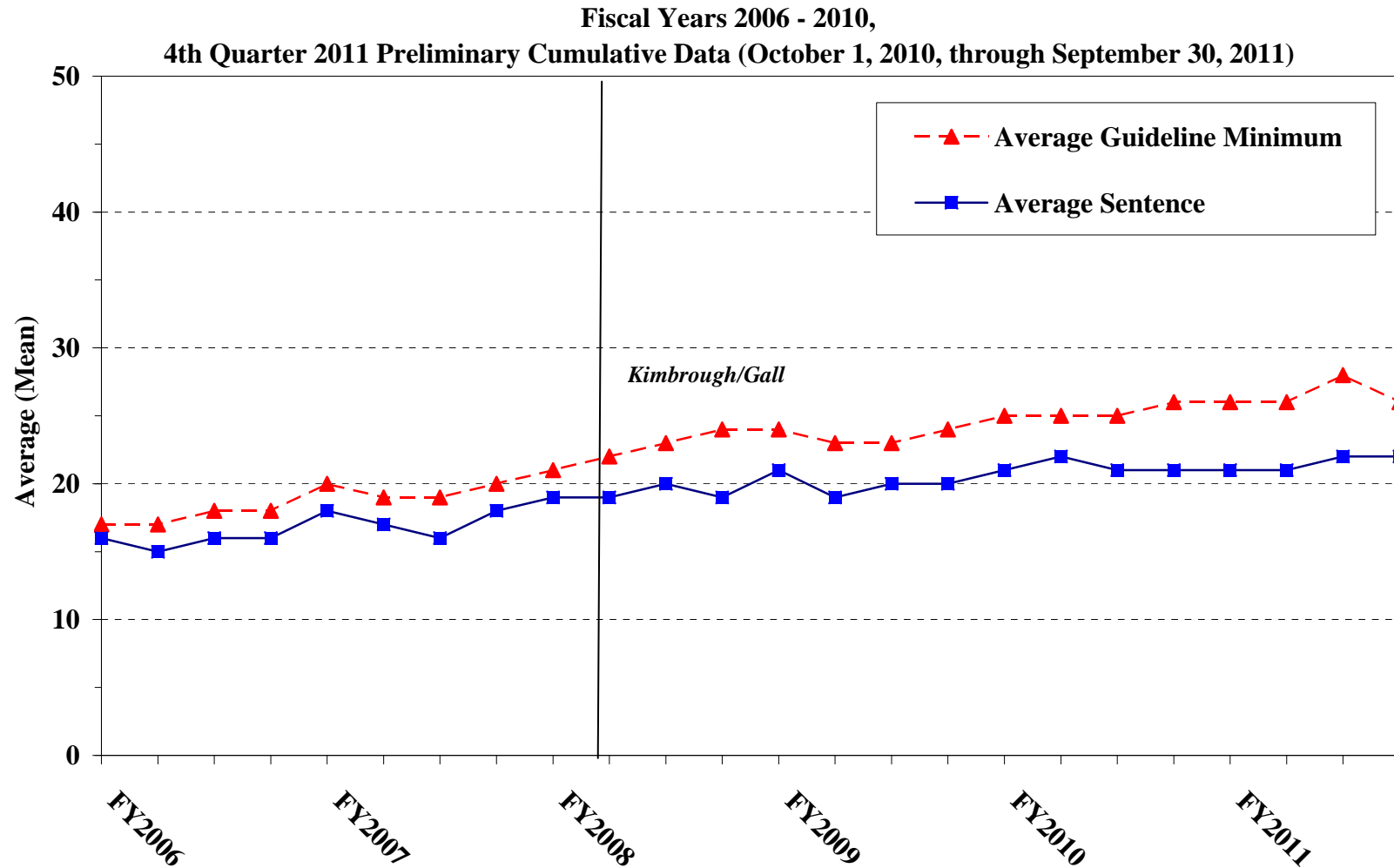
PRIMARY OFFENSE	Mean Months	Median Months	N
TOTAL	42.7	21.0	84,071
Murder	237.9	210.0	72
Manslaughter	53.2	37.0	65
Kidnapping/Hostage Taking	228.1	192.0	67
Sexual Abuse	124.2	108.0	382
Assault	35.8	24.0	667
Robbery	83.1	63.0	941
Arson	61.7	60.0	54
Drugs - Trafficking	70.2	52.0	23,877
Drugs - Communication Facility	32.1	30.0	460
Drugs - Simple Possession	3.1	1.0	844
Firearms	82.7	57.0	7,675
Burglary/B&E	22.7	21.0	52
Auto Theft	55.6	13.0	85
Larceny	7.9	1.0	1,483
Fraud	22.7	12.0	7,950
Embezzlement	9.7	6.0	382
Forgery/Counterfeiting	17.3	12.0	924
Bribery	19.0	12.0	215
Tax	16.0	12.0	651
Money Laundering	29.1	18.0	803
Racketeering/Extortion	82.4	55.0	699
Gambling/Lottery	6.1	6.0	75
Civil Rights	30.1	12.0	60
Immigration	16.3	10.0	29,220
Child Pornography	119.1	84.0	1,825
Prison Offenses	13.8	12.0	404
Administration of Justice Offenses	18.6	12.0	1,158
Environmental/Wildlife	3.7	0.0	187
National Defense	62.6	36.0	84
Antitrust	12.5	7.5	10
Food & Drug	10.1	0.0	53
Other Miscellaneous Offenses	11.8	0.0	2,647

¹ Of the 84,072 cases, one was excluded due to missing or indeterminable sentencing information. Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure C

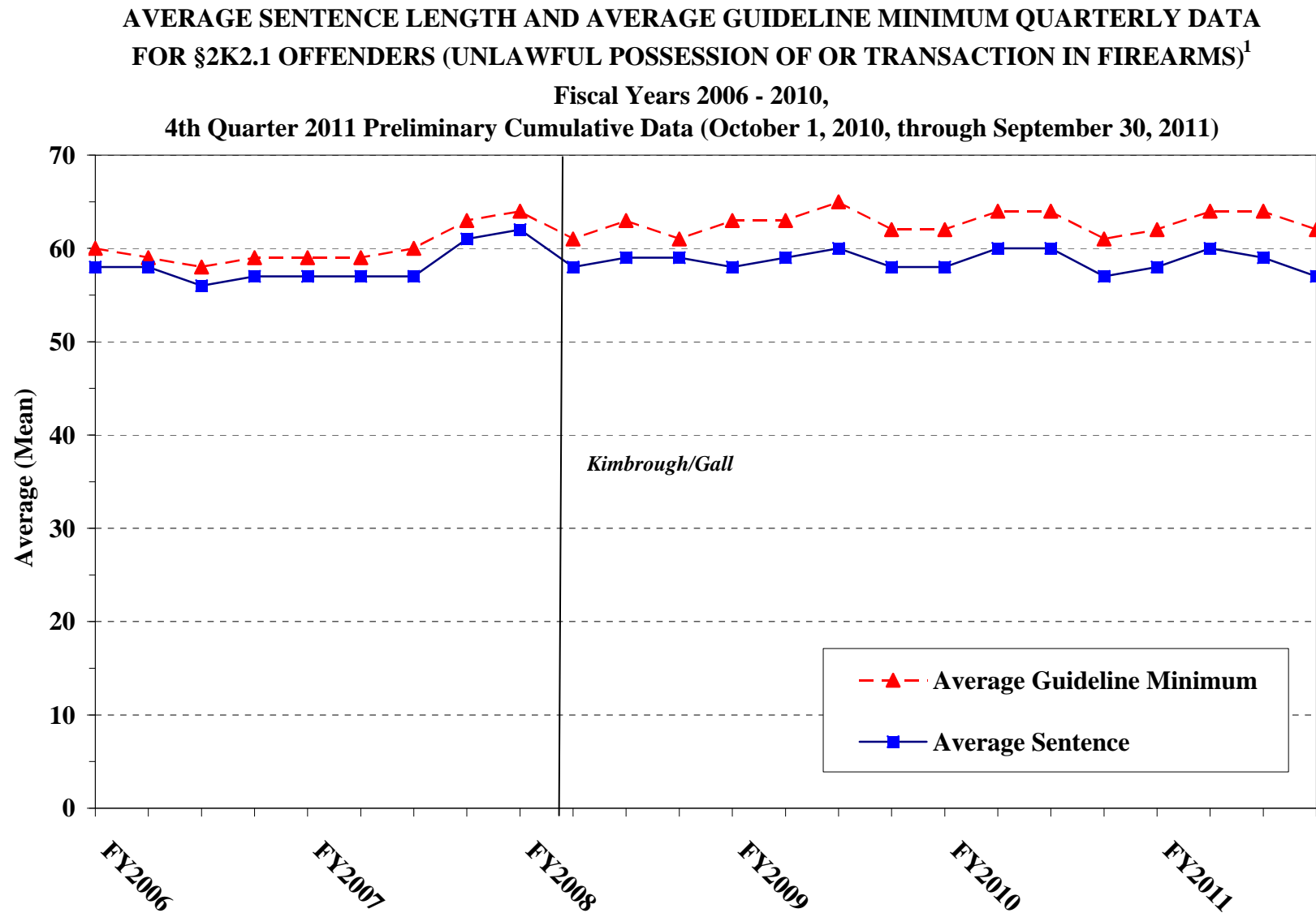


¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure D**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)¹**

¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligation of the United States). Additionally, cases with an amendment year prior to 2001 were excluded from this figure because prior to this time fraud cases were reported separately as USSG §2F1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2006 - 2010 Datafiles, USSCFY06 - USSCFY10, and Preliminary Data from USSCFY11 (October 1, 2010, through September 30, 2011).

Figure E

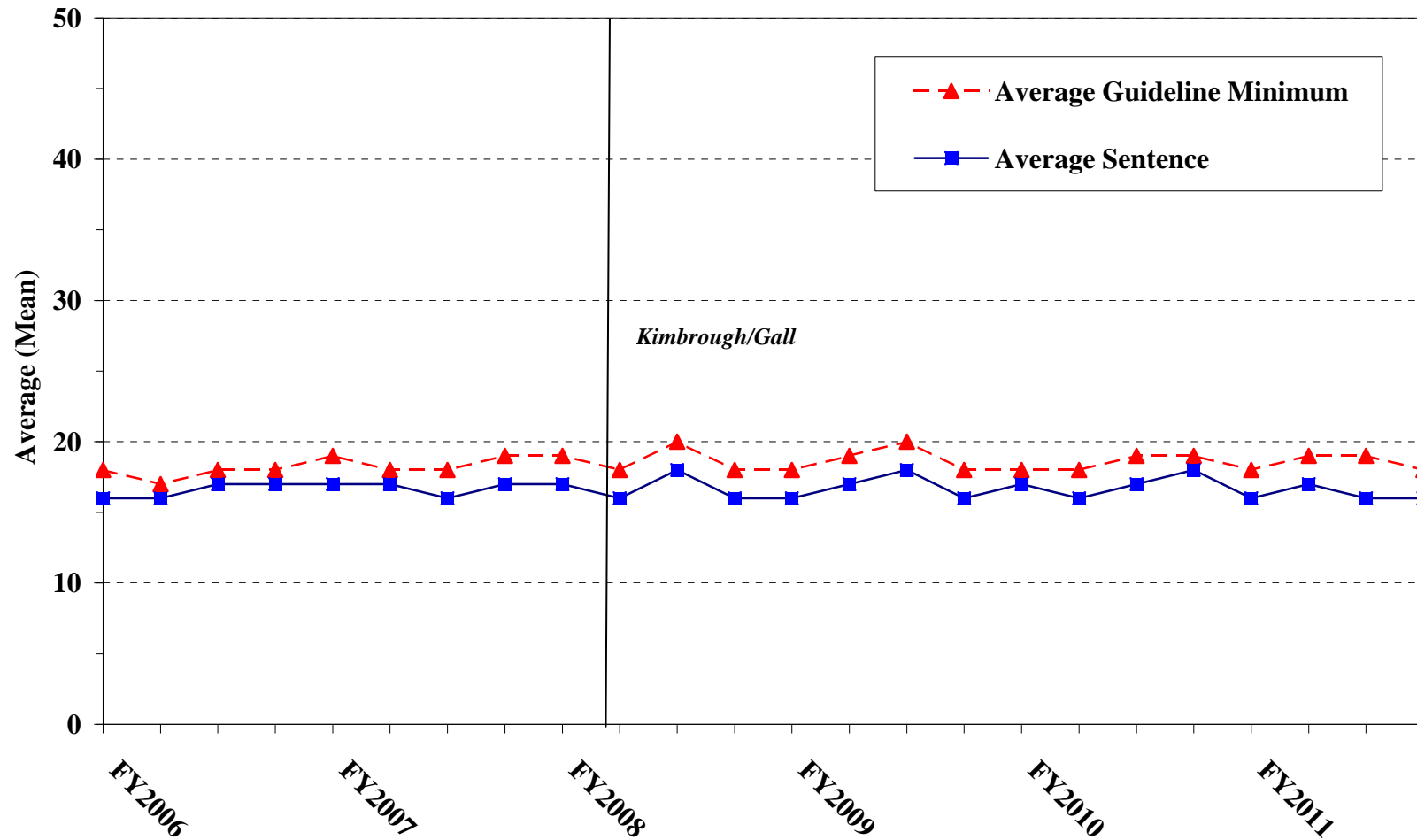
¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2006 - 2010 Datafiles, USSCFY06 - USSCFY10, and Preliminary Data from USSCFY11 (October 1, 2010, through September 30, 2011).

Figure F

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
QUARTERLY DATA FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)¹**

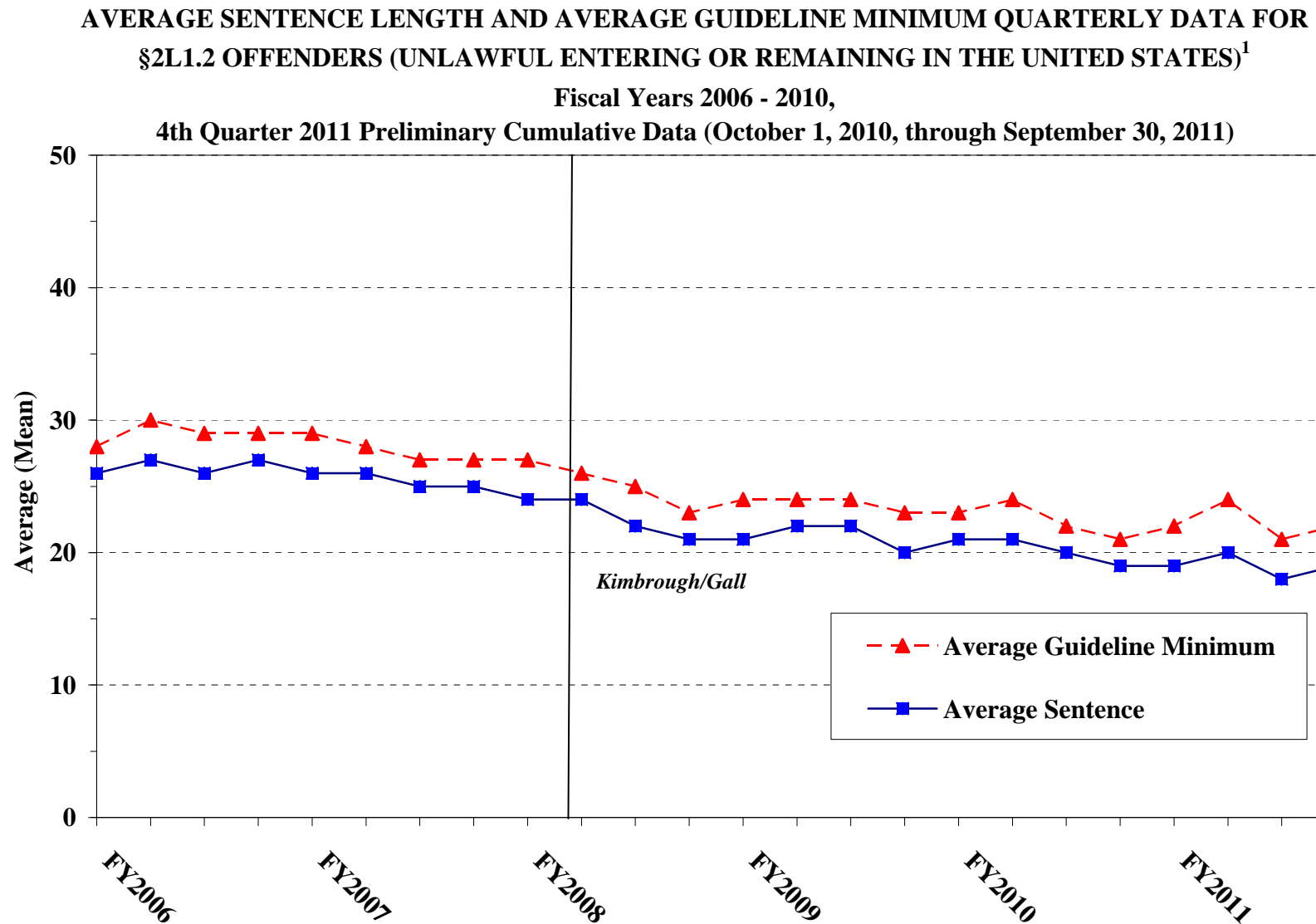
**Fiscal Years 2006 - 2010,
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)**



¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2006 - 2010 Datafiles, USSCFY06 - USSCFY10, and Preliminary Data from USSCFY11 (October 1, 2010, through September 30, 2011).

Figure G



¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

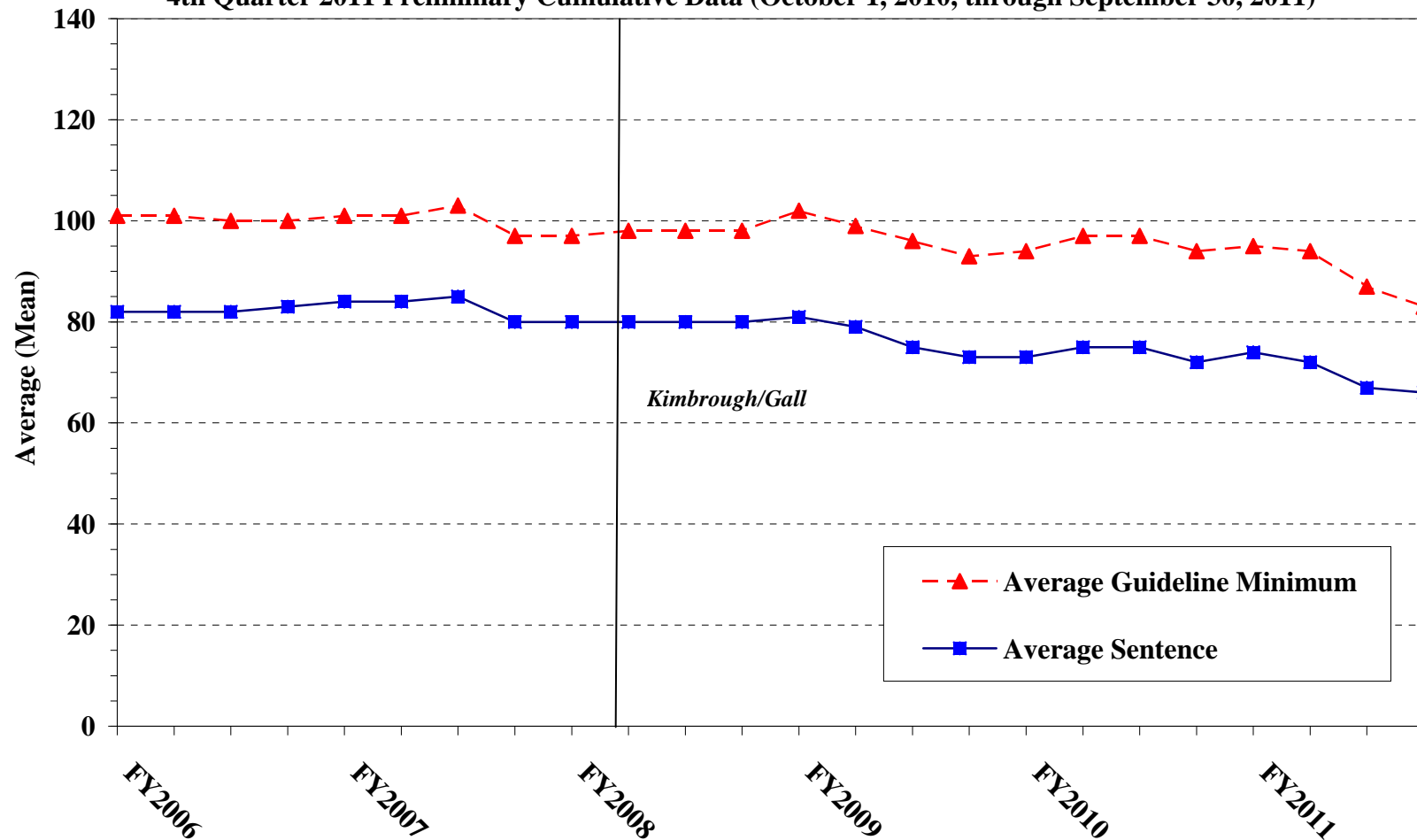
SOURCE: U.S. Sentencing Commission, 2006 - 2010 Datafiles, USSCFY06 - USSCFY10, and Preliminary Data from USSCFY11 (October 1, 2010, through September 30, 2011).

Figure H

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY
DATA FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹**

Fiscal Years 2006 - 2010,

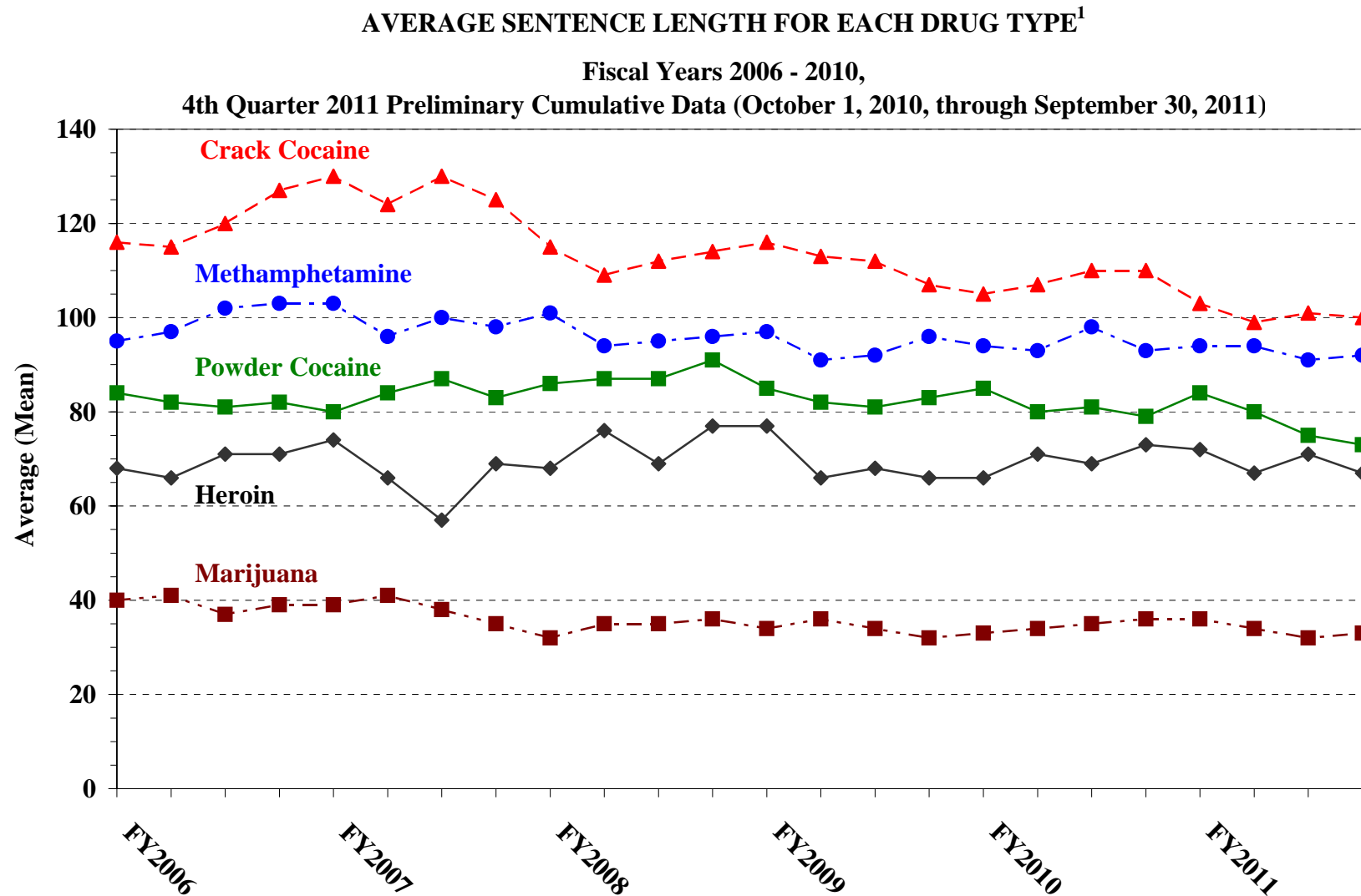
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)



¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2006 - 2010 Datafiles, USSCFY06 - USSCFY10, and Preliminary Data from USSCFY11 (October 1, 2010, through September 30, 2011).

Figure I



¹ Only cases sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession) are depicted in this figure. Figure includes only cases with a primary sentencing guideline of USSG §2D1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Table 20

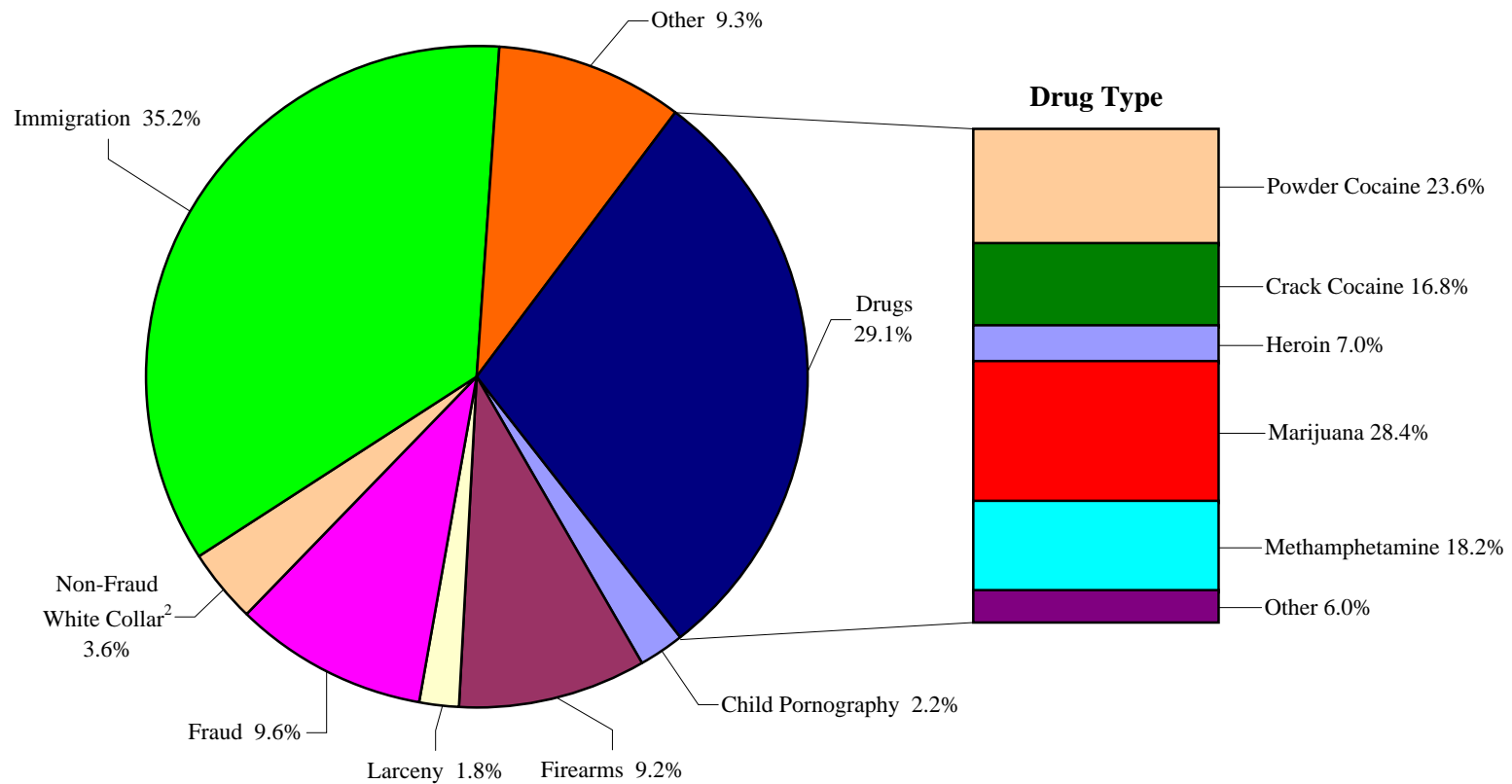
**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹**

4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
TOTAL	36,361	18,329	50.4	7,045	19.4	3,743	10.3	3,328	9.2	3,916	10.8
Murder	20	8	40.0	7	35.0	3	15.0	0	0.0	2	10.0
Manslaughter	31	5	16.1	5	16.1	7	22.6	5	16.1	9	29.0
Kidnapping/Hostage Taking	17	9	52.9	0	0.0	1	5.9	3	17.6	4	23.5
Sexual Abuse	167	76	45.5	25	15.0	15	9.0	19	11.4	32	19.2
Assault	319	153	48.0	32	10.0	32	10.0	19	6.0	83	26.0
Robbery	547	285	52.1	78	14.3	43	7.9	70	12.8	71	13.0
Arson	13	7	53.8	1	7.7	0	0.0	3	23.1	2	15.4
Drugs - Trafficking	9,799	6,352	64.8	1,778	18.1	669	6.8	412	4.2	588	6.0
Drugs - Communication Facility	112	71	63.4	15	13.4	7	6.3	7	6.3	12	10.7
Drugs - Simple Possession	182	141	77.5	16	8.8	6	3.3	7	3.8	12	6.6
Firearms	3,999	2,161	54.0	541	13.5	408	10.2	326	8.2	563	14.1
Burglary/B&E	35	15	42.9	4	11.4	4	11.4	1	2.9	11	31.4
Auto Theft	34	17	50.0	10	29.4	1	2.9	4	11.8	2	5.9
Larceny	811	581	71.6	83	10.2	44	5.4	35	4.3	68	8.4
Fraud	3,106	1,720	55.4	461	14.8	280	9.0	248	8.0	397	12.8
Embezzlement	224	164	73.2	34	15.2	14	6.3	6	2.7	6	2.7
Forgery/Counterfeiting	569	294	51.7	77	13.5	52	9.1	42	7.4	104	18.3
Bribery	69	46	66.7	7	10.1	9	13.0	3	4.3	4	5.8
Tax	222	145	65.3	30	13.5	18	8.1	7	3.2	22	9.9
Money Laundering	243	159	65.4	37	15.2	17	7.0	9	3.7	21	8.6
Racketeering/Extortion	246	106	43.1	38	15.4	29	11.8	36	14.6	37	15.0
Gambling/Lottery	37	24	64.9	3	8.1	0	0.0	5	13.5	5	13.5
Civil Rights	26	13	50.0	5	19.2	5	19.2	2	7.7	1	3.8
Immigration	13,291	4,438	33.4	3,449	25.9	1,909	14.4	1,917	14.4	1,578	11.9
Child Pornography	519	310	59.7	74	14.3	33	6.4	44	8.5	58	11.2
Prison Offenses	271	98	36.2	54	19.9	33	12.2	28	10.3	58	21.4
Administration of Justice Offenses	587	335	57.1	64	10.9	62	10.6	32	5.5	94	16.0
Environmental/Wildlife	57	39	68.4	6	10.5	3	5.3	4	7.0	5	8.8
National Defense	35	26	74.3	7	20.0	1	2.9	1	2.9	0	0.0
Antitrust	1	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0
Food & Drug	32	26	81.3	3	9.4	2	6.3	0	0.0	1	3.1
Other Miscellaneous Offenses	740	505	68.2	100	13.5	36	4.9	33	4.5	66	8.9

¹ Of the 84,072 cases, 45,180 were sentenced within the applicable guideline range. Of those, 38,897 cases had complete guideline application information. An additional 2,536 cases were excluded due to several logical criteria. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through September 30, 2011).

Figure J**OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹****4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)**

¹ Of the 84,072 guideline cases, 25,181 were drug cases. Of these, 1,012 were excluded due to missing drug type. The Drug category includes the following offense types: trafficking, use of a communication facility, and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

² The Non-Fraud White Collar category includes the following offense types: embezzlement, forgery/counterfeiting, bribery, money laundering, and tax.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through September 30, 2011).

Table 21

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)

PRIMARY OFFENSE	N	%
TOTAL	84,072	100.0
Murder	72	0.1
Manslaughter	65	0.1
Kidnapping/Hostage Taking	67	0.1
Sexual Abuse	382	0.5
Assault	667	0.8
Robbery	941	1.1
Arson	54	0.1
Drugs - Trafficking	23,877	28.4
Drugs - Communication Facility	460	0.5
Drugs - Simple Possession	844	1.0
Firearms	7,675	9.1
Burglary/B&E	52	0.1
Auto Theft	85	0.1
Larceny	1,483	1.8
Fraud	7,950	9.5
Embezzlement	382	0.5
Forgery/Counterfeiting	924	1.1
Bribery	215	0.3
Tax	651	0.8
Money Laundering	803	1.0
Racketeering/Extortion	699	0.8
Gambling/Lottery	75	0.1
Civil Rights	60	0.1
Immigration	29,221	34.8
Child Pornography	1,825	2.2
Prison Offenses	404	0.5
Administration of Justice Offenses	1,158	1.4
Environmental/Wildlife	187	0.2
National Defense	84	0.1
Antitrust	10	0.0
Food & Drug	53	0.1
Other Miscellaneous Offenses	2,647	3.1

¹ Descriptions of variables used in this table are provided in Appendix A.

Table 22

GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	84,071	81,450	96.9	2,621	3.1
Murder	72	53	73.6	19	26.4
Manslaughter	65	61	93.8	4	6.2
Kidnapping/Hostage Taking	67	49	73.1	18	26.9
Sexual Abuse	382	333	87.2	49	12.8
Assault	667	596	89.4	71	10.6
Robbery	941	904	96.1	37	3.9
Arson	54	50	92.6	4	7.4
Drugs - Trafficking	23,877	23,077	96.6	800	3.4
Drugs - Communication Facility	460	460	100.0	0	0.0
Drugs - Simple Possession	844	833	98.7	11	1.3
Firearms	7,675	7,188	93.7	487	6.3
Burglary/B&E	52	49	94.2	3	5.8
Auto Theft	85	77	90.6	8	9.4
Larceny	1,483	1,445	97.4	38	2.6
Fraud	7,950	7,514	94.5	436	5.5
Embezzlement	382	375	98.2	7	1.8
Forgery/Counterfeiting	924	908	98.3	16	1.7
Bribery	215	203	94.4	12	5.6
Tax	651	594	91.2	57	8.8
Money Laundering	803	768	95.6	35	4.4
Racketeering/Extortion	699	639	91.4	60	8.6
Gambling/Lottery	75	73	97.3	2	2.7
Civil Rights	60	50	83.3	10	16.7
Immigration	29,221	29,064	99.5	157	0.5
Child Pornography	1,825	1,767	96.8	58	3.2
Prison Offenses	404	397	98.3	7	1.7
Administration of Justice Offenses	1,158	1,098	94.8	60	5.2
Environmental/Wildlife	187	175	93.6	12	6.4
National Defense	84	76	90.5	8	9.5
Antitrust	10	10	100.0	0	0.0
Food & Drug	53	53	100.0	0	0.0
Other Miscellaneous Offenses	2,646	2,511	94.9	135	5.1

¹ Of the 84,072 cases, one was excluded due to missing information on mode of conviction. Descriptions of variables used in this table are provided in Appendix A.

Figure K

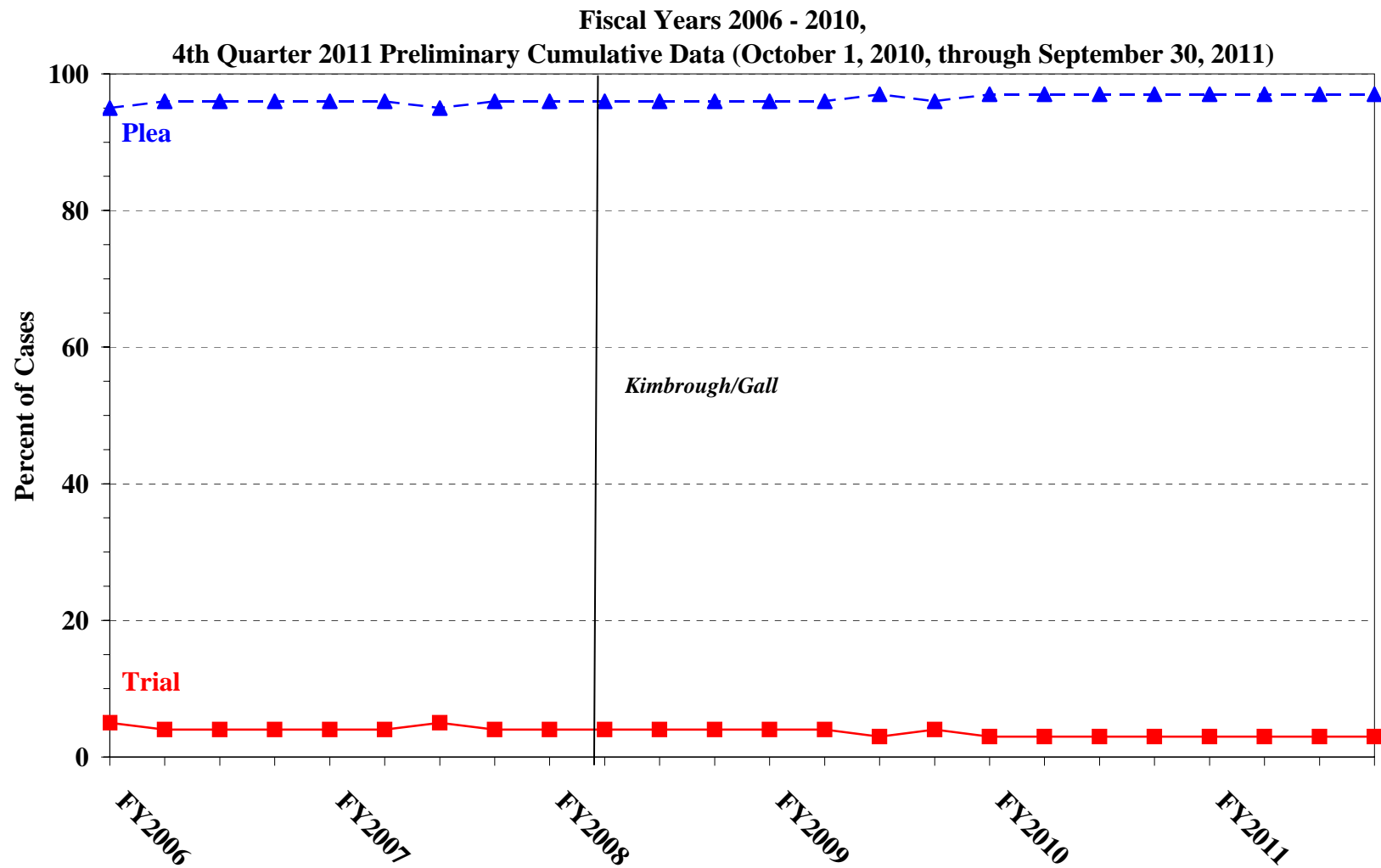
QUARTERLY DATA FOR GUILTY PLEAS AND TRIALS¹¹ Descriptions of variables used in this table are provided in Appendix A.

Table 23

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	76,108	20,021	26.3	15,092	19.8	38,331	50.4	2,664	3.5
Murder	72	21	29.2	15	20.8	16	22.2	20	27.8
Manslaughter	65	9	13.8	1	1.5	3	4.6	52	80.0
Kidnapping/Hostage Taking	67	11	16.4	20	29.9	30	44.8	6	9.0
Sexual Abuse	379	146	38.5	46	12.1	41	10.8	146	38.5
Assault	610	152	24.9	121	19.8	87	14.3	250	41.0
Robbery	938	451	48.1	365	38.9	85	9.1	37	3.9
Arson	54	33	61.1	9	16.7	2	3.7	10	18.5
Drugs - Trafficking	23,733	5,965	25.1	6,055	25.5	11,016	46.4	697	2.9
Drugs - Communication Facility	454	124	27.3	148	32.6	163	35.9	19	4.2
Drugs - Simple Possession	275	148	53.8	67	24.4	46	16.7	14	5.1
Firearms	7,616	2,110	27.7	3,803	49.9	1,520	20.0	183	2.4
Burglary/B&E	52	12	23.1	9	17.3	1	1.9	30	57.7
Auto Theft	84	50	59.5	17	20.2	16	19.0	1	1.2
Larceny	1,227	609	49.6	376	30.6	161	13.1	81	6.6
Fraud	6,734	3,181	47.2	1,940	28.8	1,229	18.3	384	5.7
Embezzlement	358	242	67.6	56	15.6	29	8.1	31	8.7
Forgery/Counterfeiting	911	390	42.8	378	41.5	113	12.4	30	3.3
Bribery	211	98	46.4	49	23.2	46	21.8	18	8.5
Tax	634	398	62.8	132	20.8	69	10.9	35	5.5
Money Laundering	782	312	39.9	115	14.7	298	38.1	57	7.3
Racketeering/Extortion	690	246	35.7	214	31.0	211	30.6	19	2.8
Gambling/Lottery	72	49	68.1	7	9.7	6	8.3	10	13.9
Civil Rights	59	41	69.5	6	10.2	9	15.3	3	5.1
Immigration	25,065	2,055	8.2	401	1.6	22,432	89.5	177	0.7
Child Pornography	1,819	1,610	88.5	48	2.6	119	6.5	42	2.3
Prison Offenses	370	85	23.0	133	35.9	116	31.4	36	9.7
Administration of Justice Offenses	1,100	536	48.7	232	21.1	242	22.0	90	8.2
Environmental/Wildlife	134	98	73.1	10	7.5	12	9.0	14	10.4
National Defense	82	23	28.0	7	8.5	40	48.8	12	14.6
Antitrust	8	7	87.5	0	0.0	1	12.5	0	0.0
Food & Drug	49	27	55.1	1	2.0	10	20.4	11	22.4
Other Miscellaneous Offenses	1,404	782	55.7	311	22.2	162	11.5	149	10.6

¹ Of the 84,072 cases, 7,964 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through September 30, 2011).

Table 24

GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	82,088	71,401	87.0	10,687	13.0
Murder	72	63	87.5	9	12.5
Manslaughter	65	44	67.7	21	32.3
Kidnapping/Hostage Taking	67	61	91.0	6	9.0
Sexual Abuse	382	362	94.8	20	5.2
Assault	654	586	89.6	68	10.4
Robbery	941	869	92.3	72	7.7
Arson	54	51	94.4	3	5.6
Drugs - Trafficking	23,868	20,814	87.2	3,054	12.8
Drugs - Communication Facility	460	345	75.0	115	25.0
Drugs - Simple Possession	716	530	74.0	186	26.0
Firearms	7,668	7,399	96.5	269	3.5
Burglary/B&E	52	50	96.2	2	3.8
Auto Theft	84	78	92.9	6	7.1
Larceny	1,380	841	60.9	539	39.1
Fraud	7,915	5,455	68.9	2,460	31.1
Embezzlement	379	193	50.9	186	49.1
Forgery/Counterfeiting	923	684	74.1	239	25.9
Bribery	215	168	78.1	47	21.9
Tax	649	484	74.6	165	25.4
Money Laundering	802	611	76.2	191	23.8
Racketeering/Extortion	699	634	90.7	65	9.3
Gambling/Lottery	75	75	100.0	0	0.0
Civil Rights	60	53	88.3	7	11.7
Immigration	27,819	25,795	92.7	2,024	7.3
Child Pornography	1,825	1,799	98.6	26	1.4
Prison Offenses	400	368	92.0	32	8.0
Administration of Justice Offenses	1,142	864	75.7	278	24.3
Environmental/Wildlife	176	170	96.6	6	3.4
National Defense	84	80	95.2	4	4.8
Antitrust	10	10	100.0	0	0.0
Food & Drug	52	39	75.0	13	25.0
Other Miscellaneous Offenses	2,400	1,826	76.1	574	23.9

¹ Of the 84,072 cases, 1,984 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 25

AGE, RACE, AND GENDER OF OFFENDERS¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)

Gender and Age	White		Black		Hispanic		Other	
	N	%	N	%	N	%	N	%
Males	16,465	100.0	13,090	100.0	35,170	100.0	2,127	100.0
Under 21	350	2.1	351	2.7	1,398	4.0	117	5.5
21 - 25	1,610	9.8	2,096	16.0	5,588	15.9	321	15.1
26 - 30	2,381	14.5	2,864	21.9	7,358	20.9	363	17.1
31 - 35	2,418	14.7	2,713	20.7	7,236	20.6	350	16.5
36 - 40	2,225	13.5	2,054	15.7	5,756	16.4	292	13.7
41 - 50	3,913	23.8	2,029	15.5	5,919	16.8	387	18.2
Over 50	3,568	21.7	983	7.5	1,915	5.4	297	14.0
Females	3,549	100.0	2,000	100.0	3,153	100.0	535	100.0
Under 21	106	3.0	25	1.3	182	5.8	25	4.7
21 - 25	453	12.8	295	14.8	529	16.8	75	14.0
26 - 30	539	15.2	386	19.3	583	18.5	72	13.5
31 - 35	553	15.6	325	16.3	555	17.6	76	14.2
36 - 40	490	13.8	308	15.4	466	14.8	84	15.7
41 - 50	772	21.8	416	20.8	545	17.3	120	22.4
Over 50	636	17.9	245	12.3	293	9.3	83	15.5

¹ Of the 84,072 cases, 7,983 were excluded due to one or more of the following reasons: missing information on offender's race (7,964), missing information on offender's gender (1,984), or missing information on offender's age (377). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through September 30, 2011).

Table 26

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	81,800	42,473	51.9	39,327	48.1
Murder	72	65	90.3	7	9.7
Manslaughter	65	64	98.5	1	1.5
Kidnapping/Hostage Taking	67	25	37.3	42	62.7
Sexual Abuse	381	359	94.2	22	5.8
Assault	618	563	91.1	55	8.9
Robbery	939	899	95.7	40	4.3
Arson	54	53	98.1	1	1.9
Drugs - Trafficking	23,805	16,473	69.2	7,332	30.8
Drugs - Communication Facility	455	371	81.5	84	18.5
Drugs - Simple Possession	579	352	60.8	227	39.2
Firearms	7,645	6,886	90.1	759	9.9
Burglary/B&E	52	52	100.0	0	0.0
Auto Theft	84	71	84.5	13	15.5
Larceny	1,245	1,163	93.4	82	6.6
Fraud	7,800	5,641	72.3	2,159	27.7
Embezzlement	365	357	97.8	8	2.2
Forgery/Counterfeiting	917	839	91.5	78	8.5
Bribery	212	189	89.2	23	10.8
Tax	641	587	91.6	54	8.4
Money Laundering	793	533	67.2	260	32.8
Racketeering/Extortion	693	580	83.7	113	16.3
Gambling/Lottery	73	67	91.8	6	8.2
Civil Rights	59	56	94.9	3	5.1
Immigration	29,003	1,550	5.3	27,453	94.7
Child Pornography	1,825	1,778	97.4	47	2.6
Prison Offenses	383	352	91.9	31	8.1
Administration of Justice Offenses	1,111	931	83.8	180	16.2
Environmental/Wildlife	142	126	88.7	16	11.3
National Defense	83	45	54.2	38	45.8
Antitrust	8	7	87.5	1	12.5
Food & Drug	49	35	71.4	14	28.6
Other Miscellaneous Offenses	1,582	1,404	88.7	178	11.3

¹ Of the 84,072 cases, 2,272 were excluded due to missing citizenship information. Descriptions of variables used in this table are provided in Appendix A.

Table 27

DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT¹
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		N	N	N	N	N	N	N	N
TOTAL	84,072	388,925	84,072	82,810	61,464	22,450	84,021	76,558	7,514
D.C. CIRCUIT	364	1,775	364	359	326	36	364	362	2
District of Columbia	364	1,775	364	359	326	36	364	362	2
FIRST CIRCUIT	2,192	10,279	2,192	2,172	1,609	577	2,190	2,116	76
Maine	193	882	193	193	110	83	193	193	0
Massachusetts	562	2,471	562	559	238	324	562	550	12
New Hampshire	199	973	199	199	178	21	199	198	1
Puerto Rico	1,031	5,007	1,031	1,014	963	63	1,029	970	61
Rhode Island	207	946	207	207	120	86	207	205	2
SECOND CIRCUIT	3,978	18,819	3,978	3,968	3,079	888	3,974	3,820	158
Connecticut	337	1,665	337	336	319	18	336	337	0
New York									
Eastern	1,085	5,256	1,085	1,083	922	163	1,085	1,081	4
Northern	575	2,583	575	569	352	223	575	512	63
Southern	1,019	4,631	1,019	1,019	574	435	1,016	1,003	16
Western	801	3,895	801	801	762	38	801	730	71
Vermont	161	789	161	160	150	11	161	157	4
THIRD CIRCUIT	2,937	13,972	2,937	2,924	2,284	648	2,932	2,895	42
Delaware	121	597	121	121	113	8	121	121	0
New Jersey	795	3,894	795	792	724	71	794	789	6
Pennsylvania									
Eastern	970	4,531	970	964	668	301	970	959	11
Middle	499	2,425	499	499	433	65	499	495	4
Western	490	2,239	490	486	308	179	486	469	21
Virgin Islands	62	286	62	62	38	24	62	62	0
FOURTH CIRCUIT	6,853	31,027	6,853	6,710	4,733	2,105	6,847	5,884	969
Maryland	885	4,208	885	843	765	119	885	830	55
North Carolina									
Eastern	850	3,910	850	802	622	228	850	786	64
Middle	522	2,575	522	522	488	34	522	521	1
Western	548	2,550	548	547	360	187	548	547	1
South Carolina	1,030	4,752	1,030	1,025	639	387	1,029	1,029	1
Virginia									
Eastern	2,027	8,216	2,027	1,985	985	1,033	2,024	1,195	832
Western	373	1,787	373	368	307	66	371	368	5
West Virginia									
Northern	308	1,513	308	308	290	18	308	299	9
Southern	310	1,516	310	310	277	33	310	309	1

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		N	N	N	N	N	N	N	N
FIFTH CIRCUIT	19,692	86,366	19,692	19,036	10,286	9,358	19,671	17,681	2,011
Louisiana									
Eastern	343	1,592	343	342	222	120	343	342	1
Middle	140	660	140	140	104	36	140	136	4
Western	302	1,418	302	283	250	52	302	281	21
Mississippi									
Northern	183	898	183	183	168	15	183	181	2
Southern	305	1,488	305	302	274	31	305	302	3
Texas									
Eastern	1,001	4,921	1,001	1,001	924	77	1,001	994	7
Northern	913	4,299	913	910	654	258	913	909	4
Southern	8,156	37,545	8,156	8,151	5,042	3,104	8,146	8,050	106
Western	8,349	33,545	8,349	7,724	2,648	5,665	8,338	6,486	1,863
SIXTH CIRCUIT	5,546	26,409	5,546	5,518	4,434	1,073	5,543	5,368	178
Kentucky									
Eastern	576	2,814	576	576	522	51	576	564	12
Western	432	2,000	432	428	347	85	432	361	71
Michigan									
Eastern	795	3,858	795	794	686	109	795	788	7
Western	498	2,220	498	496	268	230	498	460	38
Ohio									
Northern	626	2,956	626	623	456	168	626	625	1
Southern	731	3,578	731	728	663	68	731	725	6
Tennessee									
Eastern	912	4,371	912	907	735	177	911	906	6
Middle	339	1,602	339	330	265	40	337	331	8
Western	637	3,010	637	636	492	145	637	608	29
SEVENTH CIRCUIT	3,029	14,478	3,029	2,998	2,431	598	3,028	2,992	37
Illinois									
Central	359	1,631	359	357	200	159	359	356	3
Northern	917	4,354	917	892	717	200	917	911	6
Southern	331	1,514	331	331	207	124	331	314	17
Indiana									
Northern	453	2,205	453	450	399	54	453	450	3
Southern	288	1,402	288	288	252	36	288	286	2
Wisconsin									
Eastern	497	2,469	497	496	488	9	497	491	6
Western	184	903	184	184	168	16	183	184	0
EIGHTH CIRCUIT	4,740	22,653	4,740	4,730	3,723	1,015	4,739	4,721	19
Arkansas									
Eastern	322	1,512	322	322	224	98	322	322	0
Western	316	1,565	316	316	301	15	316	316	0
Iowa									
Northern	518	2,338	518	518	267	251	518	517	1
Southern	403	1,914	403	403	302	101	403	403	0
Minnesota	454	2,228	454	452	419	34	453	450	4
Missouri									
Eastern	812	4,029	812	812	781	31	812	812	0
Western	658	3,063	658	652	441	217	658	654	4
Nebraska	560	2,648	560	560	413	147	560	555	5
North Dakota	262	1,223	262	261	177	85	262	261	1
South Dakota	435	2,133	435	434	398	36	435	431	4

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
NINTH CIRCUIT	21,102	100,146	21,102	20,884	19,338	1,742	21,096	17,726	3,376
Alaska	136	632	136	136	96	40	136	128	8
Arizona	9,218	43,698	9,218	9,041	8,614	601	9,216	7,609	1,609
California									
Central	1,837	8,962	1,837	1,831	1,668	169	1,836	1,790	47
Eastern	1,012	4,942	1,012	1,009	899	101	1,011	1,011	1
Northern	796	3,785	796	793	676	119	794	726	70
Southern	4,791	22,302	4,791	4,784	4,581	208	4,791	3,355	1,436
Guam	42	199	42	42	34	8	42	39	3
Hawaii	206	915	206	206	101	105	206	196	10
Idaho	345	1,680	345	344	302	43	345	344	1
Montana	312	1,495	312	311	252	60	312	308	4
Nevada	638	3,058	638	636	512	126	638	634	4
Northern Mariana Islands	6	29	6	5	6	0	6	6	0
Oregon	632	3,076	632	617	593	38	632	602	30
Washington									
Eastern	367	1,747	367	366	288	77	367	359	8
Western	764	3,626	764	763	716	47	764	619	145
TENTH CIRCUIT	6,702	31,218	6,702	6,686	4,681	2,015	6,700	6,449	253
Colorado	660	3,241	660	653	638	22	660	630	30
Kansas	691	3,352	691	689	610	81	691	671	20
New Mexico	3,121	14,273	3,121	3,117	1,798	1,323	3,121	3,116	5
Oklahoma									
Eastern	103	456	103	103	44	59	103	103	0
Northern	195	895	195	195	115	80	195	195	0
Western	506	2,121	506	503	229	276	506	377	129
Utah	1,077	5,258	1,077	1,077	1,005	67	1,075	1,024	53
Wyoming	349	1,622	349	349	242	107	349	333	16
ELEVENTH CIRCUIT	6,937	31,783	6,937	6,825	4,540	2,395	6,937	6,544	393
Alabama									
Middle	229	1,094	229	229	179	50	229	228	1
Northern	461	2,133	461	452	333	127	461	426	35
Southern	437	2,078	437	437	332	105	437	435	2
Florida									
Middle	1,508	6,876	1,508	1,507	847	661	1,508	1,506	2
Northern	372	1,748	372	372	264	108	372	368	4
Southern	2,041	9,492	2,041	1,980	1,417	623	2,041	2,013	28
Georgia									
Middle	440	1,935	440	437	237	203	440	381	59
Northern	701	3,225	701	666	496	205	701	661	40
Southern	748	3,202	748	745	435	313	748	526	222

¹ Descriptions of variables used in this table are provided in Appendix A.

² The figures presented in this table regarding Plea Agreement Submission exclude from the analysis 12 cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through September 30, 2011).

Table 28

**RATE OF SUBMISSION OF STATEMENT OF REASONS FORM
BY EACH CIRCUIT AND DISTRICT
4th Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through September 30, 2011)**

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
TOTAL	84,072	78,733	93.6	4,106	4.9	1,233	1.5
D.C. CIRCUIT	364	364	100.0	0	0.0	0	0.0
District of Columbia	364	364	100.0	0	0.0	0	0.0
FIRST CIRCUIT	2,192	2,172	99.1	0	0.0	20	0.9
Maine	193	193	100.0	0	0.0	0	0.0
Massachusetts	562	559	99.5	0	0.0	3	0.5
New Hampshire	199	199	100.0	0	0.0	0	0.0
Puerto Rico	1,031	1,014	98.4	0	0.0	17	1.6
Rhode Island	207	207	100.0	0	0.0	0	0.0
SECOND CIRCUIT	3,978	3,911	98.3	58	1.5	9	0.2
Connecticut	337	336	99.7	1	0.3	0	0.0
New York							
Eastern	1,085	1,028	94.7	55	5.1	2	0.2
Northern	575	569	99.0	0	0.0	6	1.0
Southern	1,019	1,019	100.0	0	0.0	0	0.0
Western	801	801	100.0	0	0.0	0	0.0
Vermont	161	158	98.1	2	1.2	1	0.6
THIRD CIRCUIT	2,937	2,350	80.0	574	19.5	13	0.4
Delaware	121	121	100.0	0	0.0	0	0.0
New Jersey	795	252	31.7	540	67.9	3	0.4
Pennsylvania							
Eastern	970	963	99.3	1	0.1	6	0.6
Middle	499	499	100.0	0	0.0	0	0.0
Western	490	484	98.8	2	0.4	4	0.8
Virgin Islands	62	31	50.0	31	50.0	0	0.0
FOURTH CIRCUIT	6,853	6,625	96.7	93	1.4	135	2.0
Maryland	885	847	95.7	3	0.3	35	4.0
North Carolina							
Eastern	850	802	94.4	0	0.0	48	5.6
Middle	522	522	100.0	0	0.0	0	0.0
Western	548	547	99.8	0	0.0	1	0.2
South Carolina	1,030	1,025	99.5	0	0.0	5	0.5
Virginia							
Eastern	2,027	1,896	93.5	89	4.4	42	2.1
Western	373	369	98.9	0	0.0	4	1.1
West Virginia							
Northern	308	307	99.7	1	0.3	0	0.0
Southern	310	310	100.0	0	0.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
FIFTH CIRCUIT	19,692	16,640	84.5	2,397	12.2	655	3.3
Louisiana							
Eastern	343	342	99.7	0	0.0	1	0.3
Middle	140	140	100.0	0	0.0	0	0.0
Western	302	235	77.8	48	15.9	19	6.3
Mississippi							
Northern	183	183	100.0	0	0.0	0	0.0
Southern	305	302	99.0	0	0.0	3	1.0
Texas							
Eastern	1,001	1,000	99.9	1	0.1	0	0.0
Northern	913	909	99.6	1	0.1	3	0.3
Southern	8,156	8,152	100.0	0	0.0	4	0.0
Western	8,349	5,377	64.4	2,347	28.1	625	7.5
SIXTH CIRCUIT	5,546	5,320	95.9	199	3.6	27	0.5
Kentucky							
Eastern	576	576	100.0	0	0.0	0	0.0
Western	432	428	99.1	0	0.0	4	0.9
Michigan							
Eastern	795	794	99.9	0	0.0	1	0.1
Western	498	496	99.6	0	0.0	2	0.4
Ohio							
Northern	626	623	99.5	0	0.0	3	0.5
Southern	731	666	91.1	62	8.5	3	0.4
Tennessee							
Eastern	912	907	99.5	0	0.0	5	0.5
Middle	339	231	68.1	99	29.2	9	2.7
Western	637	599	94.0	38	6.0	0	0.0
SEVENTH CIRCUIT	3,029	2,939	97.0	59	1.9	31	1.0
Illinois							
Central	359	357	99.4	0	0.0	2	0.6
Northern	917	892	97.3	0	0.0	25	2.7
Southern	331	331	100.0	0	0.0	0	0.0
Indiana							
Northern	453	443	97.8	7	1.5	3	0.7
Southern	288	288	100.0	0	0.0	0	0.0
Wisconsin							
Eastern	497	444	89.3	52	10.5	1	0.2
Western	184	184	100.0	0	0.0	0	0.0
EIGHTH CIRCUIT	4,740	4,711	99.4	19	0.4	10	0.2
Arkansas							
Eastern	322	322	100.0	0	0.0	0	0.0
Western	316	316	100.0	0	0.0	0	0.0
Iowa							
Northern	518	518	100.0	0	0.0	0	0.0
Southern	403	403	100.0	0	0.0	0	0.0
Minnesota	454	433	95.4	19	4.2	2	0.4
Missouri							
Eastern	812	812	100.0	0	0.0	0	0.0
Western	658	652	99.1	0	0.0	6	0.9
Nebraska	560	560	100.0	0	0.0	0	0.0
North Dakota	262	261	99.6	0	0.0	1	0.4
South Dakota	435	434	99.8	0	0.0	1	0.2

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
NINTH CIRCUIT	21,102	20,270	96.1	625	3.0	207	1.0
Alaska	136	136	100.0	0	0.0	0	0.0
Arizona	9,218	9,049	98.2	2	0.0	167	1.8
California							
Central	1,837	1,831	99.7	0	0.0	6	0.3
Eastern	1,012	1,009	99.7	1	0.1	2	0.2
Northern	796	792	99.5	1	0.1	3	0.4
Southern	4,791	4,784	99.9	0	0.0	7	0.1
Guam	42	42	100.0	0	0.0	0	0.0
Hawaii	206	196	95.1	10	4.9	0	0.0
Idaho	345	343	99.4	1	0.3	1	0.3
Montana	312	311	99.7	0	0.0	1	0.3
Nevada	638	636	99.7	0	0.0	2	0.3
Northern Mariana Islands	6	5	83.3	0	0.0	1	16.7
Oregon	632	7	1.1	610	96.5	15	2.4
Washington							
Eastern	367	366	99.7	0	0.0	1	0.3
Western	764	763	99.9	0	0.0	1	0.1
TENTH CIRCUIT	6,702	6,639	99.1	47	0.7	16	0.2
Colorado	660	652	98.8	1	0.2	7	1.1
Kansas	691	688	99.6	1	0.1	2	0.3
New Mexico	3,121	3,116	99.8	1	0.0	4	0.1
Oklahoma							
Eastern	103	103	100.0	0	0.0	0	0.0
Northern	195	195	100.0	0	0.0	0	0.0
Western	506	502	99.2	1	0.2	3	0.6
Utah	1,077	1,035	96.1	42	3.9	0	0.0
Wyoming	349	348	99.7	1	0.3	0	0.0
ELEVENTH CIRCUIT	6,937	6,792	97.9	35	0.5	110	1.6
Alabama							
Middle	229	229	100.0	0	0.0	0	0.0
Northern	461	451	97.8	1	0.2	9	2.0
Southern	437	437	100.0	0	0.0	0	0.0
Florida							
Middle	1,508	1,507	99.9	0	0.0	1	0.1
Northern	372	372	100.0	0	0.0	0	0.0
Southern	2,041	1,982	97.1	0	0.0	59	2.9
Georgia							
Middle	440	436	99.1	1	0.2	3	0.7
Northern	701	633	90.3	33	4.7	35	5.0
Southern	748	745	99.6	0	0.0	3	0.4

¹ Cases included in this category are those in which the court submitted Form AO 245B (Revision 06/05 or Revision 09/08) to the Commission. Only cases in which all required pages of this form were submitted with no deletions or substantive changes are included in this category. Form AO 245B was approved by the Executive Committee of the Judicial Conference of the United States in June 2005.

² Cases are included in this category for one or more of the following reasons: one or more of the required pages of Form AO 245B were missing; deletions or substantive changes were made in Form AO 245B that prevented the USSC from collecting the information required to be submitted by 18 U.S.C. §3553(c); the outdated version of Form AO 245B was submitted; or a unique, district created, or modified form was submitted.

Appendix A

Descriptions of Datafiles and Variables

Introduction

Federal courts are required to forward to the Commission sentencing documentation on all offenders sentenced under the Sentencing Reform Act of 1984 (SRA), except in cases that solely involve petty offenses. Standard information on each case is extracted from sentencing documents received and computerized for analysis.

Given the nature of the datafile and reporting requirements, the following are not included: cases initiated but for which no convictions were obtained, offenders convicted for whom no sentences were yet issued, and offenders sentenced but for whom no sentencing documents were submitted to the Commission. Because the Commission collects information only on cases sentenced under the guidelines, information on cases sentenced under prior law (pre-guidelines) during the current fiscal year is not available in this dataset. When cases are sentenced under both prior law and the guidelines, only the guideline relevant information is coded in the dataset. Cases in which a sentence of death was imposed also are not available in this dataset for this same reason.

Note that for all tables, total percentages may not add up to exactly 100 percent due to rounding.

Variables

The following section describes the variables used in this report.

Above Guideline Range With *Booker*/18 U.S.C. § 3553

Above Guideline Range with Booker/18 U.S.C. § 3553 consist of cases sentenced above the guideline range in which no departure was indicated and in which the court cited *United States v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing of the guideline system.

Age

The *Age* of the offender on the day of sentencing is calculated using the offender's date of birth as reported in the presentence report and the date of sentencing as reported in the Judgment and Commitment Order.

All Remaining Cases Above Guideline Range

All Remaining Cases Above Guideline Range consist of cases sentenced above the guideline range that could not be classified into any of the other three above the range categories. This category includes cases in which no reason was provided for a sentence above the guideline range.

All Remaining Cases Below Guideline Range

All Remaining Cases Below Guideline Range consist of cases sentenced below the guideline range that could not be classified into any of the other three below the range categories. This category includes cases in which no reason was provided for a sentence below the guideline range.

Sentence Length

Using sentencing information obtained from the Judgment and Commitment Order, *Sentence Length* is reported as the mean and median terms of imprisonment ordered (including any months of alternative

confinement as defined in §5C1.1). Cases that receive no term of imprisonment (i.e. probation) are also included. Cases for which a term of imprisonment is ordered but the length is indeterminable are excluded. In most cases for which the exact term is unknown, the Judgment and Commitment Order merely specifies a sentence of time served. Prior to fiscal year 1993, the Commission defined life sentences as 360 months. However, to reflect life expectancy of federal criminal offenders more precisely and to provide more accurate length of imprisonment information, life sentences are now defined as 470 months.

Below Guideline Range With *Booker*/18 U.S.C. § 3553

Below Guideline Range with Booker/18 U.S.C. § 3553 consist of cases sentenced below the guideline range in which no departure was indicated and in which the court cited *United States v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing of the guideline system.

Circuit

Information on judicial *Circuit* is generated by computer using the location of the judicial district in which the offender was sentenced.

Citizenship Status

Information on the *Citizenship Status* of offenders is obtained from the presentence report. Offenders are categorized as one of the following: “U.S. citizen,” “resident alien,” “illegal alien,” and “non-U.S. citizen, alien status unknown.” The latter three categories are collapsed into the category of “non-U.S. citizen.”

Degree of Decrease

Degree of Decrease is calculated based on the difference between the length of imprisonment (not including any months of alternative confinement as defined in §5C1.1) and the guideline minimum for the following categories of below range cases: departures below the guideline range, departures below the guideline range with *Booker*/18 U.S.C. § 3553, below the guideline range with *Booker*/18 U.S.C. § 3553, all other below range cases, §5K1.1 substantial assistance cases, and §5K3.1 early disposition program cases, and other government sponsored cases. Life sentences, and cases where the guideline minimum is zero months or life are all excluded from all degree of decrease calculations due to the logical difficulty in calculating a decrease from these values.

Degree of Increase

Degree of Increase is calculated based on the difference between the guideline maximum and the length of imprisonment (not including any months of alternative confinement as defined in §5C1.1) for the following categories of above range cases: departures above the guideline range, departures above the guideline range with *Booker*/18 U.S.C. § 3553, above the guideline range with *Booker*/18 U.S.C. § 3553, and all other above range cases. Life sentences, sentences of probation, and cases where the guideline minimum is life are all excluded from all degree of increase calculations due to the logical difficulty in calculating an increase from these values.

District

Information on the judicial *District* in which sentencing occurred is obtained from the Judgment and Commitment Order.

Document Submission Rates

Five documents are represented in the document submission rate table: Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea

Agreements (Plea). The J&C and PSR generally are submitted in a standardized format. PSRs waived by the court are indicated in a separate column. Standardized forms for the Statement of Reasons are most frequently submitted; however, transcripts or partial transcripts from the sentencing hearing are also included as *Statement of Reasons Received*. Cases in which the Commission was unable to determine definitively whether the offender's guilty plea was entered pursuant to a written agreement are excluded from the Plea Agreement totals.

Downward Departure From Guideline Range

Downward Departure from Guideline Range consist of cases with downward departures in which the court did not indicate as a reason either *United States v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

Downward Departure With *Booker*/18 U.S.C. § 3553

Downward Departure with Booker/18 U.S.C. § 3553 consist of cases sentenced below the guideline range in which the court indicated both a departure (see Downward Departure From Guideline Range) and a reference to either *United States v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

Drug Offense Guideline

Drug Offense Guideline information is obtained from the presentence report and is based on the guidelines in USSG Chapter Two, Part D. The six guidelines featured in the tables (§2D1.1, §2D1.2, §2D1.5, §2D1.6, §2D1.8, and §2D2.1) represent the vast majority of drug cases.

Drug Type

Information on *Drug Type* is obtained from the Judgment and Commitment Order or the presentence report. It is recorded only if at least one of the statutes of conviction recorded by the Commission is a title 21 U.S. Code offense or a non-title 21 offense when the underlying conduct involves a controlled substance. Information about type of drug in the text and tables is derived from the primary drug type (*i.e.*, the type that produces the highest base offense level). The category *Marijuana* includes Hashish and Hashish oil. The category *Methamphetamine* includes pure (actual) methamphetamine, "ICE", methamphetamine mixture, and methamphetamine precursors (specifically including ephedrine and pseudoephedrine). ("ICE" has been included in the methamphetamine category since FY1996). All drug types not listed separately in this report are collapsed into the "other" drug category.

Education

Information on education of the offender is obtained from the presentence report and is collapsed into general categories. Technical, military, and vocational training as well as course work at community colleges are included in the *Some College* category. A general equivalency degree (GED) is included in the *High School Graduate* category.

Gender

Gender of the offender is obtained from the presentence report or probation office.

Government Sponsored

Government sponsorship of a departure is determined by a yearly case review by USSC staff of both the reasons for departure and the coding by USSC staff of any indication of government sponsorship as indicated on the Statement of Reasons. The SOR form AO245B version 12/03, 06/05, and 09/08 have specific check-boxes to indicate the origins of the departure, but cases which do not use this form may

also indicate in writing the origins of the departure. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government regardless of whether the SOR indicated sponsorship: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, deportation, waiver of indictment and/or appeal, other government motion, global disposition, due to stipulations, facilitated early release of a material witness, joint recommendation, and large number of immigration cases. Note that since the USSC reviews the reasons on a yearly basis this list might be modified slightly from year to year. Unless otherwise broken out in the table or chart, this category also includes cases with §5K3.1 Early Disposition Program (EDP) departures.

Guideline Offenders Sentenced

Each *Guideline Offender Sentenced* or case, as recorded by the USSC, involves a single sentencing event for a single offender. Multiple counts, and even multiple indictments, are considered a single sentencing event if sentenced at the same time by the same judge. A single offender may appear in more than one case if involved in more than one sentencing event during the fiscal year. Co-offenders in the same sentencing will each appear as separate cases.

Guideline Sentencing Range

The *Guideline Sentencing Range* is taken from the Statement of Reasons provided by the sentencing court. Alternatively, if the Statement of Reasons is missing, then the information is taken from the presentence report.

For tables in this report, unless otherwise indicated, the guideline sentencing range does not take into account applicable statutory restrictions on either the maximum or the minimum of the range; therefore, it may differ from the available range, which does take into account the statutory restrictions.

Mode of Conviction

Information on *Mode of Conviction* is obtained from the Judgment and Commitment Order. Offenders sentenced subsequent to a plea of guilty or *nolo contendere* are included in the *Plea* category. Offenders sentenced subsequent to a trial by judge or jury are included in the *Trial* category. Rare cases involving both a plea and a trial are included in the *Plea* category.

Outside of the Range Attribution Categories

All categories replicate the list of checkboxes available on the SOR Form AO245B (12/03, 06/05, and 09/08 versions). Not all checkbox categories are available in both the departure section and sentences outside the guideline system section on this form and that multiple checkboxes may be indicated in a single case so that totals in a table may exceed the total number of cases. USSC uses these checkboxes in determining government sponsorship: all cases in which one of the pursuant to a plea agreement boxes is indicated are attributed to the government. Additionally cases where a §5K1.1, §5K3.1, or other government motion checkbox was indicated in the pursuant to a motion not in a plea agreement section are also attributed to one of the government sponsored categories. Additionally other types of SOR forms may indicate sponsorship in writing and these attributions are also included in the appropriate category.

Position of Sentence

The *Position of Sentence* describes within-range guideline sentences in terms of their relative positions within their applicable guideline ranges. Only cases with complete information from the Statement of Reasons are used for this table. The *Position of Sentence* is determined by dividing the available range in half. This allows a sentence to fall into one of five distinct categories: the guideline minimum; the exact

midpoint of the range; the guideline maximum; the lower-half of the range (when not at the guideline minimum); and the upper-half of the range (when not at the guideline maximum). The “available range” is the guideline range with applicable statutory restrictions on either the maximum or the minimum of the range taken into account. (For cases in which guideline §5C1.2 was applied, in accordance with the provisions of the guideline, the statutory restrictions on the range are those from 18 U.S.C. § 3553(f).) In cases in which the sentence is located outside the available sentencing range, departure information is provided as reported by the sentencing court. Differences in the number and percentage of cases in each range quarter may differ from other tables presented in this report; this is due to the exclusion of any case missing both complete information from the Statement of Reasons and information on statutory minima and maxima.

Primary Offense Category

Information on *Primary Offense Category* is obtained from the Judgment and Commitment Order. The “primary” offense code for the case is determined to be the offense code applicable for the count of conviction with the highest statutory maximum. If two or more counts are found to have the same statutory maximum, “primary” offense is selected according to which count of conviction has the highest statutory minimum. Finally, in the event of a small number of cases still tied, the offense type that best represented the nature of the criminal behavior is chosen.

For convenience in analysis, a summary variable describing “primary offense category” is derived. This code is generated by grouping similar primary offense codes into a smaller set of categories. Note that the primary offense categories differ between the individual and organizational offender datafiles. Listed below are the offense types that are grouped into each of the primary offense categories used in the individual datafile tables for this report:

Murder includes first degree murder, felony with death resulting, second degree murder, and conspiracy to murder (with death resulting).

Manslaughter includes both involuntary and voluntary manslaughter.

Kidnapping/Hostage Taking includes ransom taking and hostage/kidnapping.

Sexual Abuse includes sexual abuse of a minor, sexual abuse of a ward, criminal sexual abuse, and abusive sexual contact.

Assault includes attempt to commit murder, assault with intent to murder, threatening communication, aggravated assault, conspiracy with attempt to murder, obstructing or impeding officers, minor assault, and conspiracy that includes assault with attempt to murder.

Robbery includes bank robbery, aggravated bank robbery, Hobbs Act robbery, mail robbery, other robbery, and carjacking.

Arson also includes damage by explosives.

Drugs - Trafficking includes drug distribution/manufacture, drug distribution/manufacture – conspiracy, continuing criminal enterprise, drug distribution – employee under 21, drug distribution near school, drug import/export, drug distribution

to person under 21, and establish/rent drug operation.

Drugs - Communication Facility includes use of a communication facility in a drug trafficking offense.

Drugs - Simple Possession includes distribution of a small amount of marijuana and simple possession.

Firearms includes unlawful possession/transportation of firearms or ammunition; possession of guns/explosives on aircraft; unlawful trafficking, etc. in explosives; possession of guns/explosives in federal facility/schools; use of fire or explosives to commit felony; and use of firearms or ammunition during crime.

Burglary/Breaking & Entering includes post office burglary, burglary of DEA premises (pharmacy), burglary of other structure, bank burglary, and burglary of a residence.

Auto Theft includes auto theft (including parts), receipt/possession of stolen auto or parts, and altered identification numbers/trafficking in altered (auto).

Larceny includes bank larceny, theft from benefit plans, other theft – mail/post office, receipt/possession of stolen property (not auto), other theft – property, larceny/theft-mail/post office, larceny/theft – property (not auto), and theft from labor union.

Fraud includes odometer laws and regulations, insider trading, and fraud and deceit.

Embezzlement includes embezzlement – property, embezzlement from labor unions, embezzlement – mail/post office, embezzlement from benefit plans, and bank embezzlement.

Forgery/Counterfeiting includes counterfeit bearer obligations and forgery/counterfeit (non-bearer obligations).

Bribery includes payment to obtain office, bribe involving officials, bribery – bank loan/commercial, loan or gratuity to bank examiner, etc., gratuity involving officials, and bribe or gratuity affecting employee plan.

Tax include receipt/trafficking in smuggled property, aid, etc., in tax fraud; fraud – tax returns, statements, etc.; fraud, false statement – perjury; failure to file or pay; tax evasion; evading import duties (smuggle); failure to collect or account for taxes; regulatory offenses – taxes; failure to deposit taxes in trust account; non-payment of taxes; conspiracy to avoid taxes; and offenses relating to withholding statements.

Money Laundering includes laundering of monetary instruments, monetary transaction from unlawful activity, failure to file currency report, and failure to report monetary transactions.

Racketeering/Extortion includes extortionate extension of credit, blackmail, extortion by force or treat, Hobbs Act extortion, travel in aid of racketeering, crime relating to racketeering, and violent crimes in aid of racketeering.

Gambling/Lottery includes engaging in a gambling business, transmission of wagering information, obstruction to facilitate gambling, and interstate transportation of wagering paraphernalia.

Civil Rights includes interference with rights under color of law; force or threats to deny benefits or rights; obstructing an election or registration; manufacture, etc. – eavesdropping device; other deprivations/discrimination; obstructing correspondence; peonage, servitude, and slave trade; intercept communication or eavesdropping; and conspiracy to deprive individual of civil rights.

Immigration includes trafficking in U.S. passports; trafficking in entry documents; failure to surrender naturalization certificate; fraudulently acquiring U.S. passports; smuggling, etc.; unlawful alien; fraudulently acquiring entry documents; and unlawfully entering U.S.

Pornography/Prostitution includes dealing in obscene matter, transportation of minor for prostitution, transportation for prostitution/sex (adult), sexual exploitation of minors, materials involving sexual exploitation of minors, obscene telephone or broadcasting, and selling or buying children for pornography. This primary offense category was discontinued in fiscal year 2010. Some of the offenses that were grouped into this primary offense category in prior fiscal years are grouped into the *Child Pornography* primary offense type. All other offenses that were grouped into this primary offense category in prior fiscal years are included in the *Other Miscellaneous Offenses* primary offense category.

Child Pornography includes the sale, distribution, transportation, shipment, receipt, or possession of materials involving the sexual exploitation of minors. This primary offense category was created in fiscal year 2010.

Prisons Offenses includes contraband in prisons, riots in federal facilities, and escape.

Administration of Justice Offenses includes commission of offense while on release, bribery of a witness, failure to appear by offender, contempt, failure to appear by material witness, obstruction of justice, payment of witness, perjury or subornation of perjury, misprision of a felony, and accessory after the fact.

Environmental/Wildlife includes waste discharge, specially protected fish, wildlife, and plants.

National Defense includes evasion of export controls and exportation of arms, etc., without license.

Antitrust includes bid-rigging, price-fixing, and market allocation agreement.

Food & Drug includes false information or tampering with products, tampering to injure business, tampering with risk of death or injury, and violation of regulations involving food, drugs, etc.

Other Miscellaneous Offenses includes illegal use of regulatory number – drugs; illegal

transfer of drugs; illegal regulatory number to get drugs; drug paraphernalia; forgery/fraud for drugs; dangerous devices to protect drugs; manufacture drugs against quota; endangering life while manufacturing drugs; operate carrier under drugs; endangerment from hazardous/toxic substances; mishandling substances, records, etc.; threat of tampering with public water system; hazardous devices of federal lands; mishandling other pollutants, records, etc.; improper storage of explosives; record keeping violation – explosives; possession of other weapon – on aircraft, in federal facility; failure to report theft of explosives; feloniously mailing injurious articles; transport of hazardous material in commerce; interference with flight crew, other offense – aboard aircraft; criminal infringement of copyright/trademark; conflict of interest; unauthorized payment; non-drug forfeiture; impersonation; false statement to Employee Act; reporting offenses – labor related; criminal infringement of trademark; unlawful conduct relating to control/cigarettes; trespass; destruction of property; destruction of mail; aircraft piracy; conspiracy to murder (no death, assault, or attempt); conspiracy to commit murder; and all other miscellaneous offenses not previously listed in any of the other categories.

Race

Information on *Race* of the offender is obtained from the presentence report in separate categories of race and ethnicity (*White, Black, Native American or Alaskan Native, and Asian or Pacific Islander*).

Ethnicity data indicate whether an offender is of Hispanic origin. (For purposes of this report, offenders whose ethnic background is designated as Hispanic are represented as Hispanic in all tables regardless of racial background.) The *Other* category includes offenders of Native American, Alaskan Native, and Asian or Pacific Islander origin.

Type of Guideline Sentence Imposed

Using sentencing information obtained from the Judgment and Commitment Order, the *Total Receiving Prison* column includes the number of offenders sentenced (and percent of *Total Cases*) who received a commitment to the Bureau of Prisons. This column is the sum of cases in *Prison* and the *Prison/Community Split Sentence* categories.

The *Prison* category includes offenders sentenced to a term of imprisonment only, with no additional conditions of community confinement, home detention or intermittent confinement.

The *Prison/Community Split Sentence* category includes all cases in which offenders received prison and conditions of alternative confinement as defined in USSG §5C1.1. This category includes, but is not limited to, Zone A, Zone B, or Zone C cases receiving prison with additional conditions of a term of community confinement, home detention, or intermittent confinement.

The *Total Receiving Probation* column includes the number of offenders sentenced (and the percent of *Total Cases*) who received a term of probation with or without a condition of community confinement, intermittent confinement, or home detention. This column also represents the total of the *Probation Only* and *Probation and Confinement* categories.

The *Probation Only* column includes the number of offenders who received a term of

probation without a condition of community confinement, intermittent confinement, or home detention.

Probation and Confinement includes the number of offenders who received a term of probation with a condition of community confinement, intermittent confinement, or home detention.

Upward Departure From Guideline Range

Upward Departure from Guideline Range consist of cases with upward departures in which the court did not indicate as a reason either *United States v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

Upward Departure With *Booker*/18 U.S.C. § 3553

Upward Departure with Booker/18 U.S.C. § 3553 consist of cases sentenced above the guideline range in which the court indicated both a departure (see Upward Departure From Guideline Range) and a reference to either *United States v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

Year

Information on Year is obtained from the Judgment and Commitment Order. Unless otherwise indicated, the sentencing year is defined as the fiscal year in which the offender was sentenced.

Zone

The *Sentencing Table* is categorized into sentencing *Zones*. Courts may impose various types of punishment as alternatives to imprisonment. Alternative types of punishment include: probation, home detention, community confinement, and intermittent confinement. Imposition of alternative types of punishment is restricted to offenders within specific sentencing zones.

Zone A: a guideline range is in Zone A when the minimum term of imprisonment specified is zero months;

Zone B: a guideline range is in Zone B when the minimum term of imprisonment specified is at least one but not more than six months;

Zone C: a guideline range is in Zone C when the minimum term of imprisonment specified is eight months when criminal history category is four or less, and nine months if the criminal history category is greater than four;

Zone D: a guideline range is in Zone D when the minimum term of imprisonment specified is twelve months or more.

See Chapter 5 of the *Guidelines Manual* for a description of alternatives to imprisonment and the conditions under which they are applicable.

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Appendix B:
List of Quarterly Report Tables and Figures
and Comparable FY10 *Sourcebook* Number/Letter

<u>Quarterly Report Tables/Figures</u>	<u>Comparable <i>Sourcebook</i> Tables/Figures</u>
Table 1	Table N
Table 2	Table 26
Table 3	Table 27
Figure A	N/A
Figure B	N/A
Table 4	N/A
Table 5	Table 28
Table 6	Table 28A
Table 7	Table 30
Table 8	Table 30A
Table 9	Table 31
Table 10	Table 31A
Table 11	Table 31B
Table 12	Table 31C
Table 13	Table 31D
Table 14	Table 32
Table 15	Table 32A
Table 16	Table 32B
Table 17	Table 32C
Table 18	Table 12
Table 19	Table 13
Figure C	N/A
Figure D	N/A
Figure E	N/A
Figure F	N/A
Figure G	N/A
Figure H	N/A
Figure I	N/A
Table 20	Table 29
Figure J	Figure A
Table 21	Table 3
Table 22	Table 11
Figure K	N/A
Table 23	Table 4

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Table 24	Table 5
Table 25	Table 7
Table 26	Table 9
Table 27	Table 1
Table 28	N/A